

# AGENDA

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 23, 2006  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:** *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

### AGENDA APPROVAL

- A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE
- B. STUDY SESSION ITEMS:
  - B-1. PROJECT REVIEW PROCESS – Commissioner Ray
- C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE
- D. PLANNING COMMISSION COMMITTEE REPORTS
- E. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)
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### F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

### CALL PLANNING COMMISSION MEETING TO ORDER

### PLEDGE OF ALLEGIANCE

**ROLL CALL:** *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

### AGENDA APPROVAL

## **A. ORAL COMMUNICATIONS**

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

## **B. PUBLIC HEARING ITEMS:**

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1. REVOCATION OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING):** **Applicant:** Vu Tran **Request:** To consider the revocation of Conditional Use Permit No. 05-08, which permitted dancing (140 sq. ft. dance floor) and a one-space reduction in required parking at an existing dining/nightclub establishment. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

**STAFF RECOMMENDATION:** Motion to: "Revoke Conditional Use Permit No. 05-08 with findings for revocation."

## **C. CONSENT CALENDAR**

### **C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 28, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the February 28, 2006, Planning Commission Minutes as submitted."

### **C-2. PLANNING COMMISSION MINUTES DATED MARCH 14, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the March 14, 2006, Planning Commission Minutes as submitted."

### **C-3. PLANNING COMMISSION MINUTES DATED MARCH 28, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the March 28, 2006, Planning Commission Minutes as submitted."

**C-4 PLANNING COMMISSION MINUTES DATED APRIL 11, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the April 11, 2006, Planning Commission Minutes as submitted."

**D. NON-PUBLIC HEARING ITEMS**

**D-1. PROJECT REVIEW PROCESS – Commissioner Ray**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

**Commissioner Burnett -**

**Commissioner Livengood -**

**Vice-Chairperson Scandura -**

**Chairperson Dingwall -**

**Commissioner Ray -**

**Commissioner Horgan –**

**Commissioner Dwyer -**

**ADJOURNMENT:**

**Adjourn to the next regularly scheduled meeting of June 13, 2006.**

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.**

## HUNTINGTON BEACH PLANNING COMMISSION

### Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary.\* A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission may discuss the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Thursday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department anytime on Friday preceding the Planning Commission meeting.



City of Huntington Beach Planning Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Howard Zelefsky, Director of Planning  
**BY:** Ron Santos, Associate Planner *RS*  
**DATE:** May 23, 2006

**SUBJECT:** **REVOCATION OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)**

**APPLICANT:** Vu Tran, 10126 Towneway Drive, El Monte, CA 91733

**PROPERTY**

**OWNER:** Business Properties c/o Laurie Dome, 17631 Fitch, Irvine CA 92623

**LOCATION:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection)

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**STATEMENT OF ISSUE:**

This item provides for the revocation of Conditional Use Permit No. 05-08, pursuant to the provisions of Huntington Beach Zoning & Subdivision Ordinance (HBZSO) Sections 241.16(D) – *Time Limit; Transferability, Discontinuance; Revocation* and HBZSO Section 249.06 – *Revocation of Discretionary Permits*. Conditional Use Permit No. 05-08 was approved by the Planning Commission on Oct. 11, 2005. The permit authorized dancing (140 sq. ft. dance floor) and a one-space reduction in required parking at the Le Petit Paris restaurant/nightclub, located in the Stater Brothers shopping center, southeast of the Adams Avenue/Brookhurst Street intersection. This revocation hearing was directed by the Planning Commission at a public hearing on April 25, 2006, following the six-month review of Conditional Use Permit No. 05-08.

**RECOMMENDATION:**

Motion to:

“Revoke Conditional Use Permit No. 05-08 with findings for revocation.”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Continue revocation hearing for Conditional Use Permit No. 05-08 and direct staff accordingly.”
- B. “Determine substantial compliance with conditions of approval of Conditional Use Permit No. 05-08 and take no further action at this time.”

### **Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on May 11, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of May 16, 2006, no communication supporting or opposing the request has been received.

### **BACKGROUND**

The subject building has operated as a restaurant with alcohol sales, under various names and owners, since the building was constructed in 1977. In 1998, the City approved Conditional Use Permit No. 98-39, which authorized live entertainment at the restaurant, then known as the Moulin Rouge. The current owners, who have operated the restaurant since 2002, changed the name to Le Petit Paris in November 2004.

On June 1, 2005, a new Entertainment Permit was issued to Le Petit Paris by the Police Department, which provided for the re-establishment of live entertainment, pursuant to Conditional Use Permit 98-39. The Entertainment Permit allowed for a solo (amplified or non-amplified) performer and required a minimum of four security guards during entertainment hours, two of which must be stationed in the parking lot.

On October 11, 2005, the Planning Commission approved Conditional Use Permit No. 05-08 for a 140 sq. ft. dance floor and a one space reduction in required parking. The Planning Commission required a six-month review of Conditional Use Permit No. 05-08 as a condition of approval. In addition, the applicant was required to submit a plan for review and approval by the Planning Department which specified how the dance floor would be delineated and to obtain a new Certificate of Occupancy.

On November 8, 2005, the Police Department issued an amended Entertainment Permit, which provides for dancing in accordance with Conditional Use Permit No. 05-08. This Entertainment Permit is current and valid.

The required six month review of Conditional Use Permit No. 05-08 was presented to the Planning Commission at a public hearing on April 25, 2006. The review indicated that the establishment had violated numerous applicable codes and provisions which are listed below. Accordingly, the Planning Commission directed that a revocation hearing be scheduled with public notice.

### **ANALYSIS:**

Staff's recommendation to revoke Conditional Use Permit No 05-08 is based on violations of the conditional use permit, the Police Department Entertainment Permit, the Alcoholic Beverage Control License, and Building and Fire Codes; the recommendation of the Police Department; and the prior history of violations at the establishment and complaints received by the City, as documented and reported to the Planning Commission in conjunction with the six-month review of this item (Attachment No. 2). The six-month review considered the period between November 8, 2005 and April 25, 2006, and included a review of code enforcement complaints/ action, Police Department calls for service and on-site inspections by Fire and Police Department personnel. The following list represents the violations observed by the Fire Department and Police Department during on-site inspections conducted on April 1, 2006:

### *Fire Department*

- Failure to post Certificate of Occupancy
- Failure to post room capacity signs
- Obstruction of sprinkler systems

### *Police Department*

- Dance floor not delineated/ Means of delineation not submitted for approval by Planning Department (Required – Conditional Use Permit)
- Dancing occurring outside of designated area in lounge (Prohibited – Conditional Use Permit/ Entertainment Permit)
- Dancing occurring in dining room (Prohibited – Conditional Use Permit/ Entertainment Permit)
- Music audible at approximate distance of 200-feet from perimeter of establishment (50-foot maximum distance – Entertainment Permit)
- Live entertainment provided in dining room after 9:00 p.m. (Prohibited – Entertainment Permit)
- Three entertainers (1 drummer, 2 dancers) in piano bar area (Limit: 1 entertainer – Entertainment Permit)
- Only one security guard in parking lot (Two security guards required – Entertainment Permit)
- Entertainment occurring after 1:30 a.m. (Prohibited – Entertainment Permit)
- Special event held with outside promoter. (Prohibited – Alcoholic Beverage Control License)
- Cover charge collected from males entering establishment only. (Prohibited – Alcoholic Beverage Control License)
- Occupancy limits exceeded – approximately 450 occupants observed. (250 maximum occupancy – Building/ Fire Code)
- No maximum occupancy signs posted. (Required – Building/ Fire Code)

The Fire Department issued a Notice of Violation to the owner of Le Petite Paris on April 5, 2006, corresponding to the April 1, 2006 inspection (Attachment No. 2). The Notice required correction of the violations by April 13, 2006, followed by a re-inspection by the Fire Department. The Fire Department conducted a re-inspection on April 14, 2006, and none of the three violations identified in the April 5, 2006 correction notice had been abated. This resulted in the issuance of a second Fire Department Notice of Violation dated April 14, 2006 (Attachment No. 2). A second re-inspection by the Fire Department took place on April 23, 2006, at which time two of the three violations had been corrected (room capacity signs and obstruction of sprinkler systems). The required Certificate of Occupancy had yet to be obtained and posted. To date, no Certificate of Occupancy has been obtained. On May 2, 2006, the Fire Department issued a Notice of Violation to Le Petit Paris (Attachment No. 3.1) advising that the establishment is operating without the required Fire Department Permit for places of assembly. The notice requested correction by May 9, 2006. On May 10, 2006 a civil citation (Attachment No. 3.2) was issued to Le Petit Paris by the Fire Department for failure to obtain the required Fire Department Permit as directed in the May 2, 2006 Notice of Violation.

A copy of the Police Department Incident/Investigation Report corresponding to the April 1, 2006 inspection is provided as Attachment No. 2. The report provides details of the inspection and the numerous violations observed. The Police Department also reported that a noise-related complaint was received in the early a.m. hours of April 9, 2006 (Saturday night/Sunday morning). The Police Officer investigating the complaint that night reported that music playing in the establishment was audible at a distance in excess of 50 feet (approximately 200 feet) from the building. This represents a violation of the entertainment permit conditions. The City has not received other Police Department calls for service or code enforcement complaints associated with the Le Petit Paris over the course of the previous seven months.

As noted above, conditions of approval of Conditional Use permit No. 05-08 require that the applicant submit a plan delineating the approved dance floor, as approved by the Planning Commission, which specifies the means of delineation for review and approval by the Planning Department, prior to commencement of dancing. In addition, pursuant to City code requirements and as indicated in a letter transmitted to the applicant on September 28, 2005, this plan must be submitted prior to issuance of the required certificate of occupancy authorizing dancing. To date, no plan specifying the means of delineation of the dance floor has been submitted and no certificate of occupancy has been issued.

The manner in which the establishment is conducting business is inconsistent with the information presented to the Planning Commission in conjunction with the application for Conditional Use Permit No. 05-08; specifically, the applicant's written project narrative and testimony presented to the Planning Commission at the October 11, 2005 hearing, indicated that the majority of dancing at the establishment would consist of some form of ballroom dancing and that the functions involving dancing would be primarily limited to swing dancing lessons, birthday parties, wedding receptions and anniversary celebrations. The inspections by City staff and the promotional flyers obtained during those inspections indicate that the establishment has operated as a nightclub with unrestricted dancing and unauthorized live entertainment.

The violations which have occurred represent a threat to public health and safety, a nuisance to surrounding properties and a violation of the terms and conditions under which the Conditional Use Permit No. 05-08 was issued. Accordingly, and with consideration to the prior history of violations at Le Petit Paris (as discussed in the Conditional Use Permit No. 05-08 staff report – Attachment No. 2), the Police Department and Planning Department recommend revocation of Conditional Use Permit No. 05-08. Suggested findings for revocation are provided as Attachment No. 1.

#### **ATTACHMENTS:**

1. Suggested Findings for Revocation – Conditional Use Permit No. 05-08
2. Staff Report – April 25, 2006, Planning Commission meeting (Six-Month Review – CUP No. 05-08)  
w/ Attachments:
  - (1) Staff Report – October 11, 2005, Planning Commission meeting (CUP No. 05-08)
  - (2) Minutes of October 11, 2005 Planning Commission meeting (CUP No. 05-08)
  - (3) Le Petite Paris Entertainment Permit – Issued November 8, 2005
  - (4) Fire Department Correction Notices – dated April 5, 2006 and April 6, 2006
  - (5) Police Department Incident/Investigation Report – dated April 1, 2006
  - (6) Memo from Police Chief Small – dated April 17, 2006
  - (7) California Department of Alcoholic Beverage Control License – Issued March 25, 2002



- (8) Suggested Additional Conditions of Approval (CUP No. 05-08)(Alternative Action "C")
  - (9) Conditional Use Permit No. 98-39 – Notice of Action, dated August 28, 1998.
  - (10) Letter from Bill Pham, Owner of Le Petit Paris, received and dated April 18, 2006.
3. Fire Department Notice of Violation dated May 2, 2006 and Civil Citation dated May 10, 2006.

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## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS FOR REVOCATION - CONDITIONAL USE PERMIT NO. 05-08**

1. Conditional Use Permit No. 05-08 to permit a 140 sq. ft. dance floor and a one-space reduction in required parking in conjunction with an existing restaurant (La Petit Paris) was issued on the basis of erroneous or misleading information or misrepresentation. The applicant's written project narrative and testimony presented to the Planning Commission at the October 11, 2005 hearing represented that the majority of dancing at the establishment would consist of some form of ballroom dancing and that the functions involving dancing would be primarily limited to swing dancing lessons, birthday parties, wedding receptions and anniversary celebrations. Inspections by City staff and promotional flyers obtained during those inspections indicate that the establishment has operated and had intended to operate as a nightclub with unrestricted dancing and unauthorized live entertainment.
2. The terms or conditions of approval of Conditional Use Permit No. 05-08 for a 140 sq. ft. dance floor and a one-space reduction in required parking in conjunction with an existing restaurant (La Petit Paris) and other laws or provisions have been violated. Inspections conducted by Fire Department and Police Department personnel document numerous violations of Conditional Use Permit No. 05-08, the establishment's Police Department Entertainment Permit, Alcoholic Beverage Control License, and Building and Fire codes, which represent a threat to health and safety and a detriment to surrounding property owners.



City of Huntington Beach Planning Department

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Howard Zelefsky, Director of Planning  
**BY:** Ron Santos, Associate Planner  
**DATE:** April 25, 2006

**SUBJECT:** SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)

**APPLICANT:** Vu Tran, 10126 Towneway Drive, El Monte, CA 91733

**PROPERTY/**

**OWNER:** Business Properties c/o Laurie Dome, 17631 Fitch, Irvine CA 92623

**LOCATION:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection)

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**STATEMENT OF ISSUE:**

This item represents a six-month review of Conditional Use Permit No. 05-08, approved by the Planning Commission on Oct. 11, 2005. Conditional Use Permit No. 05-08 authorized dancing (140 sq. ft. dance floor) and a one-space reduction in required parking at the Le Petit Paris restaurant/nightclub. Le Petit is located in the Stater Brothers shopping center, southeast of the Adams Avenue/Brookhurst Street intersection. The six-month review is required as a condition of approval by the Planning Commission of Conditional Use Permit No. 05-08. The purpose of the review is to verify compliance with the conditions of approval and assess any potential impacts of the approved use and the reduction in required parking to the adjoining properties.

**RECOMMENDATION:**

Motion to:

“Direct staff to schedule a public hearing for revocation of Conditional Use Permit No. 05-08.”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08”
- B. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08 and schedule a follow-up six-month review.”
- C. “Receive and file as adequate the six-month review of Conditional Use Permit No. 05-08 and adopt modified conditions of approval (Attachment No. 8).”

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 13, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of April 18, 2006, one letter concerning this item was received from the owner of Le Petit Paris (Attachment No. 10). No other communication supporting or opposing the request has been received.

**ANALYSIS:**

The six-month review of Conditional Use Permit No 05-08 considered code enforcement complaints, Police Department calls for service and on-site inspections, and was completed by Planning, Code Enforcement, Fire and Police Department personnel. The City has not received code enforcement complaints or Police Department calls for service associated with the Le Petit Paris over the course of the previous six months (i.e., since issuance of the entertainment permit on November 8, 2005), with the exception of a complaint received by the Police Department on April 8, 2006 (discussed below).

At the request of Planning Staff, a Fire Inspection Specialist and a Police Officer inspected the establishment on Saturday April 1, 2006, at approximately 10:30 p.m. and 11:00 p.m. respectively. The Fire Department reported three Fire Code violations corresponding to the April 1, 2006 inspection:

- Failure to post Certificate of Occupancy
- Failure to post room capacity signs.
- Obstruction of sprinkler systems.

The Fire Department issued a Notice of Violation to the owner of Le Petite Paris corresponding to the April 1, 2006 inspection on April 5, 2006 (Attachment No. 4.1). The Notice required correction of the violations by April 13, 2006, and re-inspection by the Fire Department. The Fire Department conducted the re-inspection on April 14, 2006. None of the three violations identified in the April 5, 2006 correction notice had been corrected, which resulted in the issuance of a second Fire Department Notice of Violation dated April 14, 2006. (Attachment No. 4.3)

A copy of the Police Department Incident/Investigation Report corresponding to the April 1, 2006 inspection is provided as Attachment No. 5. The Police Report provides details of the inspection and identifies numerous violations observed, including violations of Conditional Use Permit No. 05-08, the Entertainment Permit (Attachment No. 3), the Alcoholic Beverage Control License (Attachment No. 7) and Building and Fire codes. Violations of Conditional Use Permit No. 05-08 include dancing occurring in unauthorized areas of the building and failure to properly delineate the dance floor in accordance with the approved floor plan and conditions of approval.

The Police Department also reported that a noise-related complaint was received in the early a.m. hours of April 9, 2006 (Saturday night/Sunday morning). The Police Officer investigating the complaint that night reported that music playing in the establishment was audible at a distance in excess of 50 feet (approximately 200 feet) from the building. This represents a violation of the entertainment permit conditions.

Based on the violations listed in the April 1, 2006, Police Department Incident/Investigation Report, and the subsequent violation (occurring April 8, 2006) of the Entertainment Permit conditions, the Police Department recommends that the Planning Commission revoke Conditional Use Permit No. 05-08 (Attachment No. 6). A revocation action would require a separate, noticed public hearing, which may be scheduled at the discretion of the Planning Commission.

This report also identifies alternative actions (listed above), which may be taken by the Planning Commission at the April 25, 2006 hearing, as requested by the Planning Commission at the April 11, 2006 study session. Among the list of alternative actions identified is adding new conditions or modifying the existing conditions of approval of Conditional Use Permit No. 05-08 (Alternative Action "C"). Staff suggested additional conditions of approval corresponding to this alternative action are provided as Attachment No. 8 (in bold print), along with the previously approved conditions.

Based on the violations reported by the Police Department, the recommendation of the Police Chief and the prior history of violations at Le Petit Paris (as discussed in the Conditional Use Permit No. 05-08 staff report – Attachment No. 2), staff recommends that the Planning Commission direct staff to schedule a hearing for revocation of Conditional Use Permit No. 05-08.

#### **ATTACHMENTS:**

1. Staff Report – October 11, 2005, Planning Commission meeting (CUP No. 05-08)
2. Minutes of October 11, 2005 Planning Commission meeting (CUP No. 05-08)
3. Le Petite Paris Entertainment Permit – Issued November 8, 2005
4. Fire Department Correction Notices – dated April 5, 2006 and April 6, 2006
5. Police Department Incident/Investigation Report – dated April 1, 2006
6. Memo from Police Chief Small – dated April 17, 2006
7. California Department of Alcoholic Beverage Control License – Issued March 25, 2002
8. Suggested Additional Conditions of Approval (CUP No. 05-08)(Alternative Action "C")
9. Conditional Use Permit No. 98-39 – Notice of Action, dated August 28, 1998.
10. Letter from Bill Pham, Owner of Le Petit Paris, received and dated April 18, 2006.

SH:HF:RS:cs



City of Huntington Beach Planning Department

## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Howard Zelefsky, Director of Planning  
**BY:** Ron Santos, Associate Planner *RS/HS*  
**DATE:** October 11, 2005

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)**

**APPLICANT:** Vu Tran, 10126 Towneway Drive, El Monte, CA 91733

**PROPERTY**

**OWNER:** Business Properties c/o Laurie Dome, 17631 Fitch, Irvine CA 92623

**LOCATION:** 10142 Adams Ave. (southeast of the Adams Avenue/Brookhurst Street intersection)

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**STATEMENT OF ISSUE:**

- ♦ Conditional Use Permit No. 05-08 request:
  - Permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking.
- ♦ Staff's Recommendation:
  - Approve Conditional Use Permit No. 05-08 based upon the following:
    - The proposed use will be compatible with the surrounding land uses.
    - Adequate on-site parking is available to accommodate the proposed use.

**RECOMMENDATION:**

Motion to:

“Approve Conditional Use Permit No. 05-08 with findings and suggested conditions of approval (Attachment No. 1).”

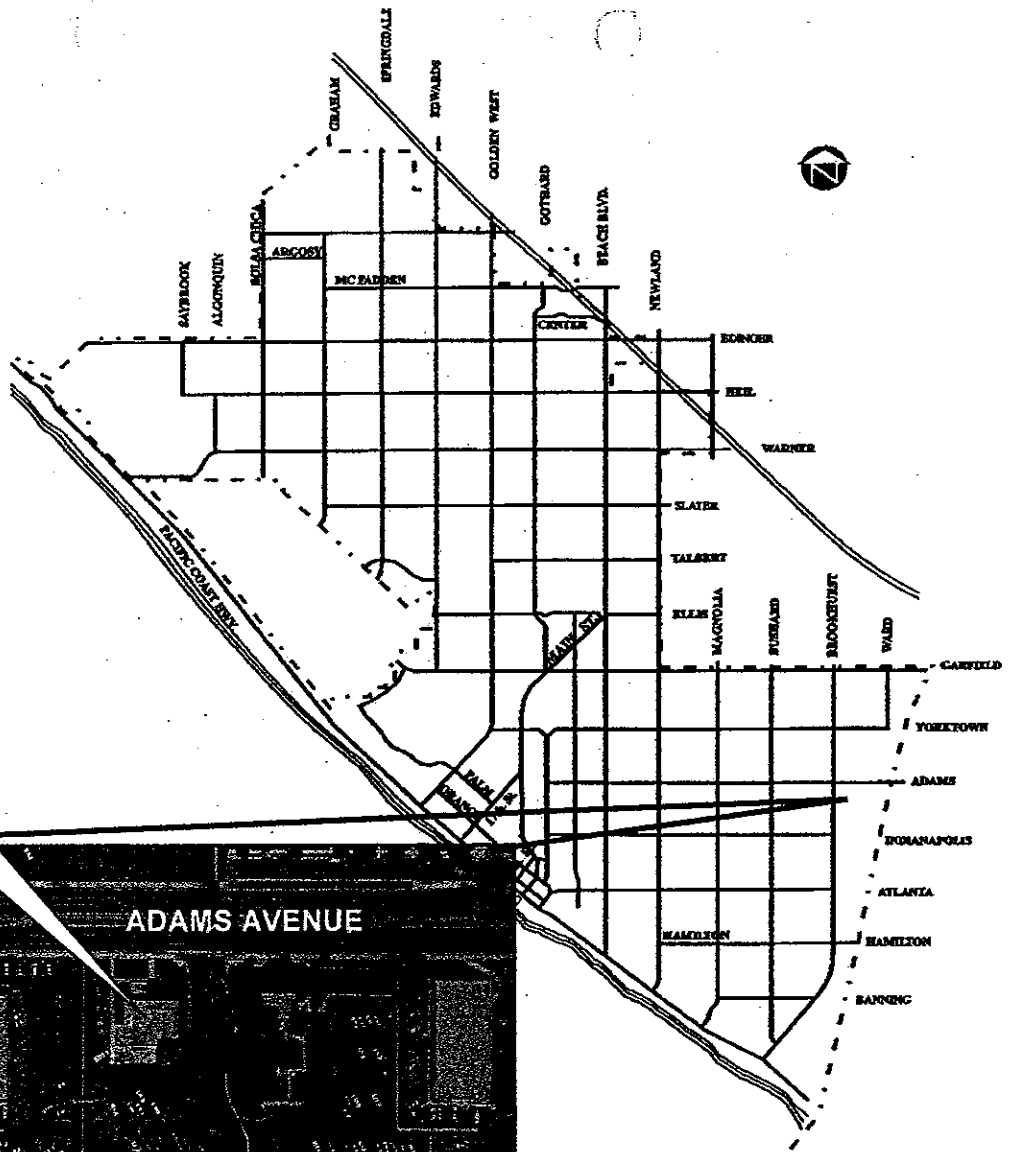
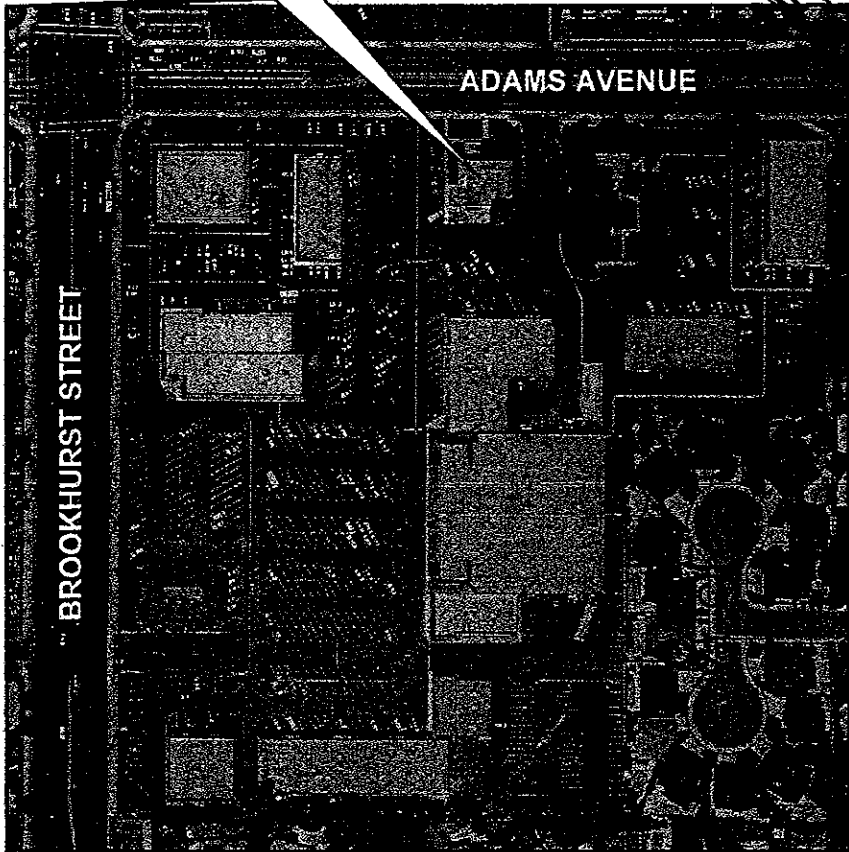
**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 05-08 with findings for denial.”
- B. “Continue Conditional Use Permit No. 05-08 and direct staff accordingly.”

ATTACHMENT NO. 1.1

LE PETIT PARIS



**VICINITY MAP**  
**LE PETIT PARIS RESTAURANT**  
**10142 ADAMS AVENUE**  
**CONDITIONAL USE PERMIT NO. 05-08**

## **PROJECT PROPOSAL:**

Conditional Use Permit No. 05-08 represents a request for the following:

- A. To permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub, pursuant to the provisions of HBZSO Section 211.04 – CO, CG and CV Districts: Land Use Controls.
- B. To permit a one space reduction in required parking, pursuant to the provisions of HBZSO Section 231.08(B) – *Reduced Parking for Certain Uses*, based on survey data prepared by a state licensed traffic engineer, on a site with existing non-conforming parking.

A 9.5 ft. by 14.5 ft. dance floor is proposed adjacent to a small (73 sq. ft.) stage located in the restaurant's lounge. The applicant's project narrative (Attachment No. 3) indicates that the dancing will be primarily ballroom dancing, such as Swing, Tango, Rhumba and Cha-Cha; and that use of the dance floor for dancing lessons, birthday parties and wedding receptions is also anticipated. The restaurant's current business hours and permitted live entertainment hours are stated in the table below. The applicant proposes to allow dancing coinciding with the permitted live entertainment hours.

<b>Existing/ Proposed Business Hours:</b>	11:00 a.m. to 2:00 a.m. Tuesday - Sunday	
<b>Permitted Live Entertainment Hours:</b>	9:00 p.m. to 1:00 a.m. Sunday – Thursday	9:00 p.m. to 1:30 a.m. Friday - Saturday

Because of the difference between the parking ratio applicable to restaurants (1/100 sq. ft.) and the ratio applicable to dance floors (1/50 sq. ft.), the proposed dancing use requires that one additional parking space be provided on site. However, the site is currently deficient 58 parking spaces or 8 percent, based on the current mix of uses (734 required/ 676 provided). HBZSO Section 231.08(B) – *Reduced Parking for Certain Uses*, authorizes the granting of a reduction in required parking, based on survey data prepared by a state licensed traffic engineer, demonstrating that the site experiences a surplus in parking based on actual use. The property owner hired KHR Associates to conduct a parking analysis of the property. The study, discussed in the analysis portion of this report, is provided as Attachment No. 4.

### **Background:**

The subject building has been operated as a restaurant with alcohol sales, under various names and owners, since the building was constructed in 1977. In 1998, the City approved a conditional use permit authorizing live entertainment at the restaurant, then known as the Moulin Rouge. The current owners, who have operated the restaurant since 2002, changed the name to LePetit Paris in November 2004.

In September 2002, the City approved an Administrative Permit allowing an outdoor dining patio of up to 400 sq. ft. on the west side of the building. In February 2003, the Zoning Administrator approved a conditional use permit authorizing alcohol service in the outdoor patio area.

Le Petit currently provides live entertainment, pursuant to the 1998 Conditional Use Permit, and has a valid entertainment permit, issued by the City on June 1, 2005 (Attachment No. 5). The entertainment permit allows for a solo (amplified or non-amplified) performer. The entertainment permit also requires a



minimum of four security guards during entertainment hours, two of which must be stationed in the parking lot.

**Code Enforcement History:**

Beginning approximately in August 2003, the Police Department and Code Enforcement began receiving complaints regarding noise and other disturbances occurring at the Moulin Rouge. The restaurant was issued citations for allowing dancing without proper permits as well as violations of the City's noise ordinance. Repeated violations and excessive calls for Police service ultimately resulted in the revocation of the entertainment permit in June 2004, for a one year period. The restaurant owner then sued the City alleging discrimination. The case was subsequently dismissed by a Federal judge and is pending an appeal. In the interim, the restaurant owners made improvements to the building for soundproofing purposes. The Police Department and Code Enforcement have reported no violations at the restaurant for a period in excess of one year.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial General – 0.35 max. FAR)	CG (Commercial General)	Stater Bros. Shopping Center
North of Subject Property (across Adams Ave.):	CG-F1 (Commercial General – 0.35 max. FAR), RMH-25 (Residential Medium High Density – 25 units/acre	CG (Commercial General), RMH (Residential Medium High Density	Future Ralph's Shopping Center (under construction), multi-family residential
South and East of Subject Property:	RL-7 (Residential Low-Density – 7 units/acre)	RL (Residential Low-Density)	single-family residential
West of Subject Property (across Brookhurst St.):	CG-F1 (Commercial General – 0.35 max. FAR)	CG (Commercial General)	New Target Shopping Center

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is CG-F1 (Commercial General – 0.35 max. F.A.R.). The proposed use is consistent with this designation and the goals and objectives of the City's General Plan as follows:

**Land Use Element**

**Policy LU 7.1.1** Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

**Objective LU 7.1** Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, and (c) captures visitor and tourist activity.

**Goal LU 11** Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

**Zoning Compliance:**

This project is located in the CG (Commercial General) zone and complies with the requirements of that zone, with the exception of the requested one space reduction in required parking.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

The proposed use is categorically exempt pursuant to Class 5, *Minor Alterations in Land Use Limitations*, Section 15305 of the California Environmental Quality Act, which states that minor alterations in land use limitations that do not result in any changes in land use or density, are Categorically Exempt.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Police Department, City Attorney and Code Enforcement Division have reviewed the request and have no concerns. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 29, 2005, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), tenants at the commercial center, the applicant, and interested parties. As of October 6, 2005, one telephone call opposing the request, based on concerns related to noise, has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Conditional Use Permit: September 22, 2005

MANDATORY PROCESSING DATE(S):

November 21, 2005

ANALYSIS:

The primary issues identified with this proposal to allow dancing at an existing restaurant are compatibility with adjacent uses and parking.

Land Use Compatibility

The Le Petit Paris restaurant is located in a free-standing building within an existing commercial shopping center, such that the nearest residence is located 250 feet away (to the east – measured from the exterior building wall to the residential property line) and the nearest business (Denny's Restaurant) is located 85 feet away. Le Petit's live entertainment permit prohibits noise associated with entertainment that is audible beyond 50 feet of the business in any direction. Accordingly, no noise related impacts are anticipated with the addition of dancing. Staff's analysis also considers that, as noted above, the applicant has made soundproofing improvements to the restaurant building since the time noise complaints were received in the past. The Police Chief maintains the authority to revoke the required entertainment permit should violations of the entertainment permit conditions or detrimental impacts to the public welfare occur.

In addition, since the proposed dance floor is limited to 140 sq. ft. (two percent of the total restaurant's floor area) and the restaurant's floor plan is partitioned such that the dance floor is located in a room comprising less than 50 percent of the total dining area, it is not expected that the addition of the dance floor will significantly alter the use.

Parking

The proposed one space reduction in required parking will not have a significant impact on the availability of parking in the shopping center. The parking study prepared by KHR Associates, a licensed traffic engineering firm, concluded that approximately 42 percent of the available parking spaces are currently utilized at peak periods. The study is based on parking counts conducted at the site on Friday, August 5 and Saturday, August 6, 2005, between the hours of 10:00 a.m. and 6:00 p.m. – the time period identified as the peak use period for neighborhood shopping centers by the Institute of Traffic Engineers (ITE).

The study also states that, according to the ITE Parking Generation Manual, adjustments for seasonal variation and occupancies that generate higher parking demand (e.g., Thanksgiving to New Year's holiday period) could temporarily increase the overall parking demand by as much as 42 percent on select days – resulting in use of approximately 84 percent of the available parking spaces. The study's conclusion that a parking surplus exists (based on utilization), is consistent with parking counts taken in 2002 in support of a conditional use permit for a day care use proposed in the same shopping center.

ATTACHMENT NO. 1.6

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval
2. Site Plan and Floor Plan, received and dated September 7, 2005
3. Narrative, received and dated June 16, 2005
4. Parking Study, received and dated September 7, 2005.
5. Le Petit Paris Entertainment Permit, issued June 2005
6. Code Requirements List for informational purposes only.

SH:HF:RS:rl

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 05-08

#### SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15305 of the CEQA Guidelines, because the conditional use permit provides for minor alterations in land use limitations that do not result in any changes in land use or density.

#### SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:

1. Conditional Use Permit No. 05-08, to permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required entertainment permit. The entertainment permit prohibits noise that is audible at a distance greater than 50 feet from the business. No residential property or other commercial buildings existing within 50 feet of the restaurant. In addition, the subject property provides adequate parking to accommodate the proposed dancing, as demonstrated by a parking survey, prepared by a licensed traffic engineer, indicating an average parking utilization of approximately 40%.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within an existing shopping center in a commercial zone, and is adequately buffered from the nearest residential properties and commercial buildings by distance of approximately 250 feet and 85 feet respectively. In addition, the restaurant building has been soundproofed so as to minimize noise related impacts on surrounding land uses.
3. The proposed dance floor and one space reduction in required parking will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO allows dancing and a reduction in parking for certain uses, in the CG zone, with approval of a conditional use permit and based on a parking survey demonstrating that sufficient parking is available to accommodate the proposed use.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General - 0.35 max. floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, and (c) captures visitor and tourist activity.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:**

The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

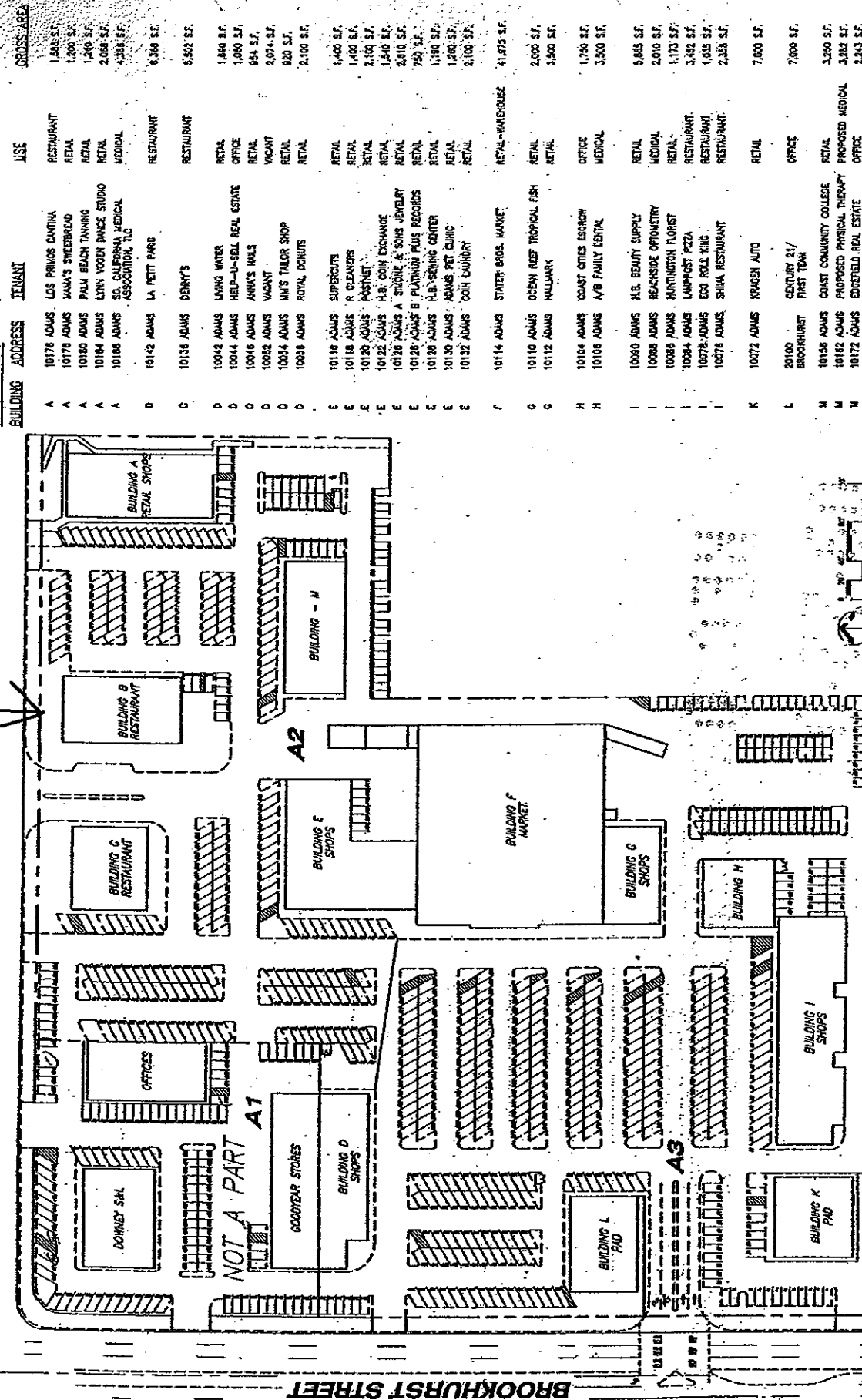
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

RECEIVED

SEP 07 2005

ADAMS AVENUE

LEGEND:

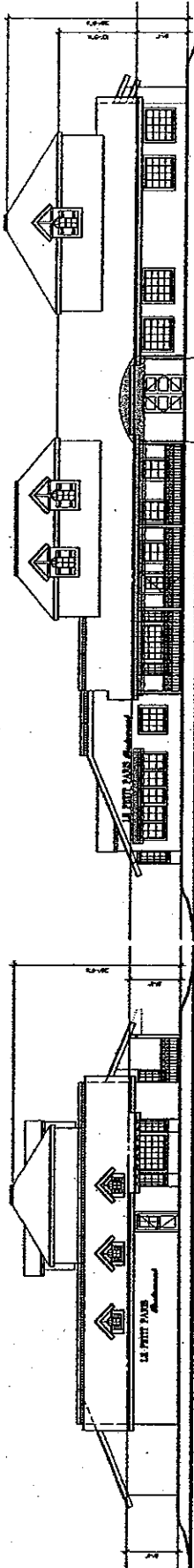


S.E.C., BROOKHURST STREET & ADAMS AVENUE

EXISTING SITE PLAN  
BUSINESS PROPERTIES, INC.

KMR ASSOCIATES  
CONSULTING ENGINEERS/ARCHITECTS  
4100 Newport Plaza Drive, Suite 200  
Newport Beach, California 92660  
Tel: (949) 794-4440  
Fax: (949) 794-4444

RECEIVED  
SEP 07 2005



EXISTING FRONT ELEVATION  
SCALE 1/8" = 1'-0"

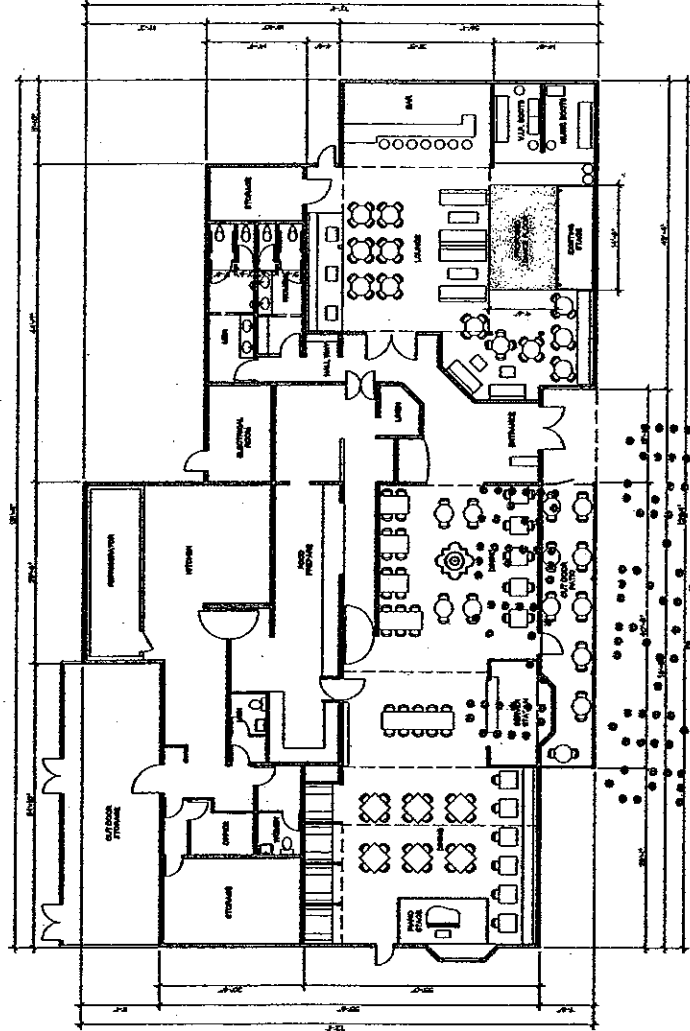
EXISTING LEFT SIDE ELEVATION  
SCALE 1/8" = 1'-0"

LE PETIT PARIS RESTAURANT  
10142 ADAMS AVE.  
HUNTINGTON BEACH, CA 92648  
TEL: (714) 599-3346

FLOOR PLAN & ELEVATIONS

A-1

PROJECT NO. 04-000000  
DATE 01/01/04  
PROJECT NAME AVAILIA  
PROJECT LOCATION 11441  
PROJECT TYPE 04-000000



EXISTING FLOOR PLAN  
SCALE 1/8" = 1'-0"



[www.LePetitParisOC.com](http://www.LePetitParisOC.com)

10142 Adams Ave.  
Huntington Beach, CA 92646



Restaurant & Featuring The Morocco Lounge

Phone: (714) 593-3346  
(714) 593-3276  
Fax: (714) 593-3286

## Dancing Entertainment Proposal:

In accordance with Le Petit Paris' numerous patrons' requests, Le Petit Paris would like to apply with the City of Huntington Beach for a Conditional Use Permit (CUP) to allow dancing at the Le Petit Paris restaurant. The majority of the dancing would involve some form of ballroom dancing, such as Swing, Tango, Rhumba, and Cha-cha-cha. A small area of not more than 140 square feet is proposed for use as a dance floor in the restaurant. The proposed dance floor area is 9.5 feet long and 14.5 feet wide. Patrons will be able to use the dance area for dancing, entertainment and special events, including, without limitation, swing dancing lessons, birthday parties, wedding receptions, and anniversary celebrations. A stage area of approximately 5 feet by 14.5 feet adjacent to dance floor will be reserved for only singers and musicians providing the live entertainment.

Le Petit Paris is located within a shopping center complex on the southeast corner of Brookhurst and Adams Avenue. Le Petit Paris is bounded by restaurants and retail stores to the north, south, east and west, and some residential apartments, condominiums, and single family housing located across Adams Avenue to the north and behind the shopping center to the east. The current hours of operation for the restaurant are Tuesday through Sunday each week from 5:00 PM to 2:00 AM. The normal hours when dancing entertainment is proposed will be from 9:00 P.M. to 1:30 A.M. The proposed CUP is to better accommodate Le Petit Paris patrons, which are comprised of residents and businesses in Huntington Beach and the surrounding areas.

Since Le Petit Paris already has a CUP for providing music and live entertainment, this CUP application is not for music entertainment. This is an application for a CUP to allow the restaurant's customers the ability to dance to the music entertainment that has already been approved. The physical act of dancing itself does not create any noise and should not have any impact on any nearby business or property. The undersigned hereby declare that the project site is not located within a Hazardous Waste and Substance site pursuant to Section 65962.5 of the California Government Code.

LE PETIT PARIS RESTAURANT

VU TRAN  
PRESIDENT

6/15/05

RECEIVED  
JUN 16 2005

ATTACHMENT NO. 1.12



SEP. 07 2005

CONSULTING ENGINEERS/SURVEYORS/PLANNERS

August 26, 2005

Mr. Charles G. Ball  
Business Properties  
17631 Fitch Road  
Irvine, CA 92623

**SUBJECT: UPDATED RESULTS OF PARKING ANALYSIS FOR BUSINESS  
PROPERTIES' SHOPPING CENTER ON S/E CORNER OF BROOKHURST  
STREET & ADAMS AVENUE (HUNTINGTON BEACH, CALIFORNIA)**

Dear Mr. Ball:

Per the request of Business Properties and the requirements stated in the *Notice of Filing Status* on CUP No. 05-008, dated June 21, 2005, from the City of Huntington Beach Planning Department, KHR Associates, Newport Beach, California, performed an updated parking survey and revised the existing site plan for Business Properties' shopping center on the southeast corner of Brookhurst Street and Adams Avenue in the City of Huntington Beach, California. The original parking surveys were conducted by KHR Associates on April 2<sup>nd</sup> and 3<sup>rd</sup>, 2004 and documented in a June 4, 2004 letter report (see attached).

On August 5th and August 6th, 2005, KHR Associates conducted parking surveys of the entire shopping center parking lot on the southwest quadrant of Brookhurst Street and Adams Avenue. The site plan layout was also checked against the current state of the parking lot, and revisions to the plan were made as necessary.

**SURVEY PARAMETERS**

The updated parking survey was conducted between the hours of 10:00 A.M. and 6:00 P.M. on Friday, August 5, and Saturday, August 6, 2005. As recognized by the Institute of Transportation Engineers (ITE) "Parking Generation" manual, latest edition, these hours and days represent the "worst-case" conditions with respect to parking demand generated by a neighborhood shopping center.<sup>1</sup> These surveys were conducted in order to determine the current utilization of available parking spaces by specific areas within the shopping center (e.g., south, middle, and north portions). Documentation of parking utilization was made at 30-minute intervals (representing the typical parking turnover rate within a neighborhood shopping center). A total of 676 parking spaces were identified as belonging to Business Properties' shopping center, with 23 of those being handicapped spaces. The shopping center contains approximately 136,811 square feet of leasable gross floor area. Based on this square footage, the calculated parking ratio is 4.94 spaces per 1,000 square feet of gross floor area.

It should be noted that the Downey Savings, Goodyear Tires, and general commercial buildings located on the southwest corner of Brookhurst Street and Adams Avenue

<sup>1</sup> Institute of Transportation Engineers' "Parking Generation," 3<sup>rd</sup> Edition, 2004.



respect to parking demand. Actual usage is typically much less (as shown in the parking surveys and by empirical data from other studies documented by ITE).

Business Properties proposes to convert 100 square feet of an existing restaurant use in Building B into a dance floor for the restaurant, *La Petit Paris*. The elimination of 100 square feet of restaurant use reduces the total parking required by one space. The addition of 100 square feet of dance floor requires two parking spaces. Thus, the net total requirement for the shopping center as a whole increases by one space. Table I provides a breakdown of the net parking requirements, by general use, within the Business Properties shopping center. It should be noted that the intended uses of currently vacant spaces (e.g., medical use Building M) are also taken into account in Table I.

**Table I - Summary of Parking Requirements per Square Foot of Leased Gross Floor Area**

Area Use	Total Square Footage	Spaces Per Square Foot Required	Total Spaces Required
Retail	78,114	1/200	391
Warehouse	13,165	1/1000	14
Restaurant	20,201	1/100	203
Medical	13,176**	1/175	76
Office	12,053	1/250	49
Dance Floor	100	1/50	2
<b>Total</b>			<b>735*</b>

\* The square footages shown reflect the parking requirement for the shopping center with the proposed dance floor use in Building B of the site plan.

\*\* Includes proposed 3,282 sq. ft. of medical use in Building M of site plan.

## **PARKING SURVEY RESULTS**

The days selected for the parking surveys, Friday, August 5th and Saturday, August 6th, 2005, represent typical shopping days – unaffected by holidays, return to school, special events, or inclement weather conditions, which might otherwise skew the parking data. The results of the parking survey are summarized in Table II.

**Table II - Summary of Parking Survey**

Parking Area*	Parking Spaces Available	Friday Average Spaces Used	Saturday Average Spaces Used	2-Day Average Spaces Used	2-Day Average % Used	2-Day Maximum Spaces Used	2-Day Maximum % Used	Day Maximum Used
1	108	42	25	34	31%	49	45%	Friday <sup>1</sup>
2	278	80	54	67	24%	91	33%	Friday <sup>2</sup>
3	398	167	134	151	38%	186	47%	Friday <sup>3</sup>
All	784	289	213	252	32%	326	42%	Friday

\* Parking Areas Shown on Figure 1 – Parking Lot Site Plan

- <sup>1</sup> Area 1: Friday max was 49 spaces at 10:30 A.M. and 4:30 P.M.  
<sup>2</sup> Area 2: Friday max was 91 spaces at 1:30 P.M.  
<sup>3</sup> Area 3: Friday max was 186 spaces at 2:00 P.M.

As noted in Table II, less than half of the available parking spaces (42% overall) are currently utilized at peak periods (2-day maximum) of parking demand, with Friday generating more parking demand on average (289 spaces) than Saturday (213 spaces). It is also noteworthy that Parking Area 2, which most directly services Buildings B and M, was found to be the least utilized (33% maximum utilization over the course of two days).

These results clearly indicate that the subject shopping center is over-parked by a significant number of spaces. Even when vacancies are taken into consideration, there is ample parking for customers and employees. It should be noted, however, that according to the Institute of Transportation Engineers' Parking Generation manual, adjustments for seasonal variations and occupancies that generate higher parking demand (e.g., during the Thanksgiving to New Years holiday period) could temporarily increase the overall parking demand by as much as 42 percent on selected days. A 42 percent increase in the figures given in Table II does not change the fact that there is more than adequate parking at the subject shopping center. For example, the maximum number of spaces utilized during the 2-day survey period was 326 out of 784 (or 42%). A 42% increase in demand during the holiday period would result in 463 spaces being utilized (or 59%). Thus, a parking surplus of 321 spaces (or 69% of demand) would be available even during the peak holiday period.

### ITE PARKING GENERATION

As the surveys presented herein indicate, the City's methodology of calculating parking requirements based on individual uses within a shopping center greatly over-estimates the amount of parking actually utilized. Since shopping center patrons can walk from business establishment to business establishment, the need to provide separate parking spaces for each business is less than if patrons had to drive. The Institute of Transportation Engineers' Parking Generation manual, provides an extensive amount of empirical data regarding shopping center parking.<sup>2</sup> The formula for calculating average peak period parking demand on a non-holiday season Friday is  $P = 2.15x + 40$ , where P is the number of parked vehicles, and x is the number of gross leasable area (GLA) in 1,000 square feet. The formula for calculating average peak period parking demand on a non-holiday season Saturday is  $P = 3.37x - 90$ , where P is the number of parked vehicles, and x is the number of GLA in 1,000 square feet. By applying these formulas, the calculated average peak period parking demand for non-holiday season Fridays and Saturdays are 334 spaces and 371 spaces, respectively. These results compare closely with the survey results.

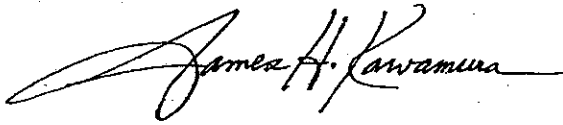
### IN CLOSING

In closing, if there are any questions regarding these parking study results, or if additional information is desired, please call me at (949) 756-6440.

<sup>2</sup> Land Use 820, Institute of Transportation Engineers' "Parking Generation," 3<sup>rd</sup> Edition, 2004.

Mr. Charles G. Ball  
August 26, 2005  
Page 5

Sincerely yours,  
**KHR Associates**



James H. Kawamura, P.E.  
Registered Traffic Engineer No. TR1100  
Registered Civil Engineer No. C30560  
Professional Traffic Operations Engineer No. 676



ATTACHMENT NO. 1.17

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
1																
2																
3																
4																
5																
6																
7																
8								212								
9																
10																
11	460	X	X	X	X	X	X	X	X	X	X	X	X	X		
12																
13							308	472								
14																
15	297						943							269	X	043
16																
17												AT5		261		
18												438		460		
19																
20																
21							X	X	X	X	X	X	X	X	X	
22																
23	2V4														041	
24	356														118	
25	385						X		X	X	X	X	X			
26																
27	296					NEW	716	472	903	063	118	243	410	212	742	
28	908					551			682	043			832	4A1		
29	818					NEW			776						233	
H1															048	221
30																
31	192															
32																
33						227		435	X	X	623	X	X	X	078	X
34								212	X	X	X	X	X	X	NRJ	X
35											065	972			928	X
36	049					353	737	X			604	X		332	X	X
						X	321	031	X	X		366	X		102	X

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
37					857	784	X	561			500	mom	X		281	X
38	399			781	X	X	417	X			500		716	X	X	X
39	725				203	X	X	X			X			928	X	X
40	454			032	X	X	X	034	X		X	NEW	X	108	X	
41	106	X	X	X	X	X	X	X	X		X	X	X	X	X	X
42	350	X	X	X	061	X	X	X	X		X		201		745	X
43	STN			YOG	X	X	147	127	NEW		012	077		201	678	X
44	296			704	X	042	X	157			077	078				
45	804			632	X	198	TIN	X	X					484	X	
46				895	081	X	122	X	X		X	X		555	130	
47	NEW			370	X	523	X	684			646			NEW	X	X
H2																
48				543	X	X	X		488							
49																
50																
51																
52	991	X	X		X	X	X	X	X		X	X	X	X	X	
53																
54																
55																
56	NEW	X	X	X	X	X	X	X	X		X	X	X			
57	316	X	X	X	X	X	X	X	X		X					
58			NEW	X	X	X	X	X	X		X	X	X			
59																
60	136	X	X	X	X	X	X	X	X		X	X	X			
61																
62	255	X	X	X	X											
63	645	X	X	X	X			645	X		X					
64																
65	new	X	X	X	X	X	X	X	X		X	X	X	X	X	
66	313	X	X	X	X	X	X	X	X		X					
67			NEW	X	X											
68																
69																
70	081															
71																
72				513	X	X	X	X	X							



Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
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106				017	x	x	x	x	x	x						
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Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
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139																
140																
141																
142																
143																
144																
145																
146	088	X	X	X	X	X	X	X	X	X	X	X	X			

Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
147																
148																
149																
150																
151																
152																
153																
154																
155																
156																
157																
158																
159																
160																
161																
162																
163																
164				688	X	X	X	X	X	X	X	X	X			
165	982															
166																
167	451															
168																
169																
170																
171																
172																
173																
174																
175																
176	776															
177	896	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
178						495										
179	060															
H3	090	X	X	X	066	X	X	X	439	X	X	486	397	X	X	X
180	NEW			080	003	X	X	777	X	X	X	990				
181	721	X	X	X	914	352	983	X		965	X	X	X	X	X	X
182	996	X	X	X	X	X	X	747	X	X	X	X		788		

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
183	030	X	X	X	X	X	X	174	X	X	X	X	X			
184	NEW	X	X	X	X	X	X	X	017	X	X	X	X		145	X
185	496		276	X	X	176		617	X		NEW	ROE	X			
186	857				563	443	X	X	X				208	X	X	681
187	910	X	X	X	969								415	X		
188						063	X	X	X	X	X	X				
189	065	X	X	X		848	X	X								687
190				926	X	X	X	X	X	X	X	X		262	X	X
191				280	X	X	X	X	X	X	X	X	X	X	X	X
192						993	X		906		882	536	X	X	X	X
193	111	X	X	X	X	X	X	X			NEW	X	X		683	X
194	BUG	X	X	X	X	X	X	X	X	X	X	X	X		973	X
195	690	X	X	X	X	X	X	049	X	X	X	X	X	X	X	X
196								377	X	X					842	X
197						213	X	X	X	X	553					
198			041	X	X	X	X	509	X	X						
199	978	X	X	X	X	X	X	X	X							
200			792	X	X			594	X	X	X	X				
201			579	X	465	X	867	621								
202	756		400	X	X	207	X				424	X	X	X	X	X
203	056	X	X	X	X	X	X	378			978	X	X	X	X	X
H4	664	X	X	X	X	X	X	X	X	X	X	X	X	X		NEW
H5	037		HH4	X	X	X	X	X				617		557	X	
H6			871	X	907	X	X	X	942		874		613	356	462	
204																
205			461	X	X		718	402						266		
206	554		466	X	918	976	X	611	022				392			950
207			115	X	424	815	X	X	X	X	X	X	X	X	X	X
208	424	X	X	X	X	X	X	X					343		232	X
209	591		092	X	986	895	X	509							010	
210					453	X	375		421	X	X	X	X	X	X	X
211	941						453	X	X	X	X	X	X	X		
212						941	X	X			859	307	X			529
213					759			841	X					916		
214							199					218				
215																
216			528	X	X	X	X	NEW								264

Brookhurst/Adams  
Parking Count  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
217			975	X	X											
218	252						X					634	X	X	X	X
219			012	X	X						682					
220																
221	377											651	078			
222	749						FRII	X						691	X	X
223	BOY		669	X	X											
224				834				662	X			441	X	351	X	
225	906			066					927			NEW			400	
226																
227	933			407	781	850		END	X		540	824	X		144	X
H7					155		690	796	211		93	262	493		694	
H8	284			YBD	X	227	X				734	624	ZYN	819		
H9	703	X	X	X	X	X	X	X			TYN	X	X	X	X	X
228							6PH								022	
229																
230							305							065		
231																
232				889	X	357	X	X						037		ONE
233																
234	445	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
235	840			779	475	489	844	012	X			642	084	424	876	X
236	657		105	X		375	114	050	X		NDR	X		873		911
237				566		833	X				408		586	596		303
238	083		685	X	377	094	X				799	X				
239					229	X	X	X						194	X	
240	091	X	X	X				673	X	X						
241				190	X	250	X	X			283		293			
242	719	X	X	X	X	X		027	X			723		566		
243	104						932				796			643		
244																
245	613				665		YAH									
246	651					975	X	X	X			995	X	X	X	X
247	COM							NEW	X				721			
248						050					153	X			902	X
249	WYF	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
250				894		AKS	644				00	X	X		435	

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
251	109	X	X	X		888		473	X		334	943	504	X	852	
252			953	X	X	Y86	X	945	599			164	290	064	472	688
253				173	X	896	X	X		GER	X	365	OM4	563	X	070
254	002				X	156	X			021	THE	871	192		NEW	447
255	951					595		TON	166		754	192	X	415	628	LES
256	036			871	747	894	X	383	582	822	X	X	X	185	FAN	135
257	NEW			203	X	PRP	X	775		048	X	432	X	248	768	064
258	512				X	X	X	RAD	X	994	X	188	NEW		NEW	071
259			655	X	180	913		M75	383		504			KIM		
260																
261	BOX			065	X	044	X	540	875		068	X	X	WNA		387
262																
263			X	X				376	X	X	X					769
264			681	NEW	549	X	642	083	066	X	X		646			048
265			URF	931	135	817	X	P2	300	617	X	X	X	234	870	296
266				978	139		228	797	453	X	X	932	X	212	X	280
267			034	X	196			818	110	012	412	800	X	500	043	X
268	446	X	X	153					553	X	NSW	X	X	311	X	951
269	284	X	X	436				980					034			894
270	880	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
271	709	X	X	515				318	X	X	X	X	X	X	X	X
272																
273																
274																
275	041	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
276		924			857		618	862		745	X		376	X	349	
277	862	103			813			776	412	824		234	296			943
278		NEW	X	X	X		711	077	767		873	599	067		233	683
279		425			793			247	299		484	003	X	441	889	590
280		SUV			665		329	486	UTH	938	X	534	X	833		
281	934				544			455	944	929	X	147	180	231	X	448
282	953	866			462		846	366	NEW	385		947	X	178	593	953
283	752	872			520	476	X	688	486	NEW	X	236	877		902	604
284	559	219			028	087	X	X	103	552	X	X	X	X		239
H10		357			019	659	X	297	918	944	X	643	826		869	276
285	019	969			969		966	549	688	237		416		161		914
286	708	317			270		H40	816	466	692	X	X	X	971	026	KAR

**Brookhurst Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
287	380	429			401		707		564	042	X	575	182	437	X	637
288	362	487			249		077		545	H30		186	NEC	365	X	085
289	559	016			375		523	711	621		815	088	X		533	688
290	534	874			720	003	X	303	349		580	579	X	590	384	208
291	464	NEW			659		870	355	142	704	X	253	437	464	442	404
292	648	450	X	X	X				056	600	X	X	333	DJA	938	
293	979	EWA			111				303	183	X	X	NEW	326	605	995
294									925	X	530	576		961		
295	765	X														
296																
297																
298																
299																
300												NEW	X			
301																
302																
303																
304						742	X	X	292		287					
305						130	X		378		745					
306						496	X					287	X			
307		904			333		4DY			359			NEW		949	CUL
308		937			661	362	X	195	034		087	RPF	X	804	844	
309		392			333	932	X	X	236		CME		416			
310		842			GAN		400	359	X		932	X	X		231	
311	417				318		332		606	300	X	504			856	
312	440				149	758	X	869	X	715				481	X	908
313		932	X	X	X		256	270			987	354	X	440	144	X
314	414	880			471		795	833	155			912		619	231	829
315	515	480			372	620	X	544	220	562	X	475	X	622		414
316	511	384					640	YR	827		429	417	X	850	136	784
317	NCR	997			490	244	X			500	X			736	606	590
318	207	119			561	485	X	597			535	745		FRI	348	917
319		419			NEW	390	X	410	133					605	X	750
320		440			931		473		519	411	X	X	X	967	290	587
321	892	748			NEW	374	X			381	X					
322		209			016											
323		752			RUE			554	X	X	X	310	X	756	X	
												831	X	327		

**Brookhurst/Adams  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
324					365		555	634			387	529		145		634
325							634	310	634			634	X	X	X	398
326		X			626		392	827	X		160	398	X	X	X	
327		590	X	X	X	532	X	X	X	X	X	X	X	X	X	994
328		653					513	X	X	X	X	X	X	X		
329		634	X	X	X	798	X		069	X	X			890	513	X
330		611			937		857	045	080		405	X	X	581	399	
331		812	X					839	112	630	X			976		
332		532				081	X	X	179			269	X	900		297
333		513	X				030		284					476	X	
334		074	010			420	X	X	X	276	X	470	X	420	X	X
335		074			600	X		052			249			943		ALL
336		450				853		428			287	X				181
H11		813				903	X		722		878			849	475	240
337		137					184	642	841		918			605	553	225
338		250				253	X	596	964	753	X			731	433	429
339		466			X	X	X	X	X	X	X	X	X	X	X	X
340		284					523					936		520	X	
341		771				698	X	X	576	X	X	902	X		X	X
342		430				471	X			120	X	X	X			
343		X			X		164									
344					X	X	X	X	X	X	X	X				
345		NEW						438					543	X	X	X
346																
347		184			X	X	X	X	X	X	X	X	X	X	X	X
348							826	X	X	X	X	X	X	X	X	
349					X	X	X	X	X	X	X	168	X	X	X	X
350					X	X	X	X	X	X	X	X	X	X	X	X
351		449	X													
352		959														
353		398			X	X	X	X	X							
354		226	X		X	X	X	X	X							
355					X	X	X	X	X	X	X	X	X	X	X	
356																
357					X		277	X						NEW	X	260
358					X	260	X	X	X	X	X	X				
359		266	X		X							116	460			



Brookhurst-Adams  
Parking Count  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
360				637	X	X	195	X								
361	583			663	X	X		261	X	X	X	X	X	X	X	
362		543					X	573								
363	625	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
364	934	708											589	X	X	
365	637	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
366	666	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
367																
368	974	X			611	X	X	X	X	X	X	X	X	X	X	
369		966			983	X	X	046				865			919	
370	371	871	X	X	X	X	X	X	X	X	X	X				
371	577	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
372																
373								543	X	780	X	X	X			
374																
375									GGN	X	X	X	X	X	X	X
376																
377		329						789	X	X	X					
378	095	X		NEW						NEW	X	095	NEW	X		
379																
H12																
380																
381																
382																
383																
384																
385																
386																
387	670	907						630					090	X	X	
388	865															
389																
390							670		X				333			
391								660	X	X						
392								X	X	X			346			255
393								996	X	X	X	X	X	X	X	X
394																
395									767							

Brookhurst/Adams  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
396																
397	095	X														
398	982	X														
399																
400						893	X	X	X	X	X	X	X	X	X	
401																
402	180	X	X	X	X	913	X									
403						283	X									
404	893	X	X	X	X											
405																
406	913	X	X	X	X	026	X	X	X	X	X	X	X	X	X	X
407	283	X	X	X	X											
408																
409				026	X	584	X	X	X	X	X	X	X	X	X	X
410				548	X		559									
411	EES	X	X	X	X	144	X	657	X	X			657	X		
H13	SEE	X	X	X	X	X	X									
H14								568	X	X	X	X	X	X	X	X
412						231	X	X	X	X	X	X	X	X	X	X
413	714					366	X	X	X	X	X	X	X	X	X	X
414																
415																
416																
417																
H15																
418																
419																
420																
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428																
429																

Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
430																
431																
432																
433																
434																
435																
436																
437																
438																
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443																
444																
445																
446																
447																
448																
449																
450																
451																
452																
453																
454		289														
455	504	615					243	X	X	X						
456	915	X														
H16	070	X														
457		169	X	X	X	X	X	X		X	X	X	X	X	X	X
458																
459				124	X											
460																
461																
462																
463																
464																
465																

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
466																
467																
468											521	X	X	X	X	X
469																
470					NEW	X	X			X						
471				180	X	X	X			X						
H17	223	X	X	X	X	X	X			X						
472					NIB	X	462	X		X						
473				286	920	X	X			085	X				RMD	
474					930	X							129	X	X	X
475					688	622	X	X		394	X		763	X		
476		072	X	X	X	X	X	X		X	X		X	X	X	X
477		088	X	X	X	X	X	X		X	X		X	X	X	X
478		796	X	X	253	520	424	X		X	X		X	X	X	X
479		564	X	X	896	483	X	393		X	X		X	X	X	X
480		393	X	X	X	X	068	X		X	X		X	X	X	X
481																
482																
483		828	X	X	X	X	X	X		X	X			JTX		NEW
484		917	X	X	X	X	X				850	043	X	633	838	X
485		000	X	X	X	X	X	X		X	X		X	X	X	22
486		508	X	X	X	197	NEW	X		515		131	YZ	746	395	
487		672	X	X	X	X	X	X		X	X		X	X	X	X
488		SR6	X	X	X	X	X	X		X	X		X	X	X	X
489		219	X	X	X	X	X	958		X	X		X	X	X	X
490			594		RTI	448	X							589		
491		126	X	X	X	577	X									
492		970	X	X	X	X	X	X		X	X		X	X	X	X
493				798		596	X	ETW								
494		070	X	X	X	X	X	X		X	X		X	X		
495					181	X	X	X								
496						403										
497																
498																
499																
500				736												
501		598			730										NEW	

**Brookhurs/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
502			868	X	656											567
503		144	X													
504		444		084											899	X
505		929	X			NEW	X	X						021	X	X
506			NEW		764	661									010	X
507		175	X		175	X		ETI		517						
508		882	084	X						638						
509		164	X	949	217		788	X								
510		811	X			121										
511		968	325	X	X											
512			432	X												
513		949	160	X		JTX				000	748	X				
514																
515		325									438	X	X	X	438	X
516						550										
517						ETW						131	X	X	X	X
518		131	X	X	X		X				407	X				
519		ULA	X	X	X		X	X		X	X	X	X	X	X	X
520				656	762	X	X	X								
521			633	932	X	X	X			514	NEW		980		367	X
522		770	X	X	X	X	X	X		X	X	X	X	X	X	X
523		398	X	X	X	X	X	052		769		530	537	594	X	
524			687	270	X	569	X	X					613		NEW	
525		MVH	X	X	759	X					333		880	X		
526		952	X	X	X	X	X	X		X	X	X	X	X	X	X
527		786	X	X	X	X	X	X		SGY	057	807	183	X	X	984
528		714	311	X	878	412	653	X		787	RYR	973	219	X	547	202
529		530	184	X	488	X	X	X		647	549	613	X	471	737	710
530		568	947	238	X	X	123			TII	672	924	740	X	255	
531		667	X	X	380	564		882		390		550	127		180	
532		615	324	227	X	X	X	X		X	X	X	X	X	X	X
533		702	X		N79	898		158		437	X	013	475		123	
534		NEW			787	X	X				932	BAK			073	X
535			572	724	X	X	X						631	X		
536		015	X	X	X	X	X				995		168	015		
537					123	X				64D		065	X	X	X	X
538																

Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
539		899	X	X	X	X	X	X		X						
540			532	X	5XC			216								
541			162	X	921			776			286					
542		735	X	ANA			X	NEC		598					369	
543		926	001	001	195			SUN		679						
544			NEW	X	X					241	X					
545			844	X	237	X						MBA				
546																
547		LTC	X	533	X	180	X						X	X	580	
548			NEW		137	X	X				ORT	472				
549																
550		431	X	X	X	X	X	X		X	X	X	X	X	X	X
551					060											
552																
553						578	X									
554																
555																
556																462
557		157	X	X		206										243
558					659	X									742	X
559					206											
560		442	X	X	X	442	X	X								
561		691	X													
562					BKD	X	X									
563																
564						058	X	X								
565					983	X	X									
566		324	X	X	X	324	X	X		X	X	X	X	X	X	X
567				122	X	X	X							186	230	
568			081			851						213				053
H18		LLE	X	X	X	X	X	X			507	128		397		
669			069		980	X	X			299					943	603
570					298	X	X	X		LLE	X	X	X	X	X	X
571					075	365	867					021				
572					027	X	X									
573			701		807	X										
574		560	270	714	X		NEW									

Brookhurst Adams  
Parking Count  
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575		142	X	842	X	X	555	521						170		
576		418	206	045	X	X	045	585						FXR	X	
577					072	X	X	X		170	X	X				X
578				530	X	371	X	X								365
579																
580																
581																
582																
583																
584																
585																
H19																
H20																
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H21																
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Brookhurst/Adams  
Parking Count  
Friday - 8/5/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
609																
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611																
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Brookhurst/Adams  
Parking Count  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
646																
647																
648																
649																
650																
651																
652																
653																
654																
655				543	X		X		488							
656																
657																
658																
H22	991	X	X	X	X		X	X	X	X	X	X	X	X	X	
659																
660																
661																
662	NEW	X	X	X	X		X	X	X	X	X	X	X			
663	316	X	X	X	X		X	X	X	X	X	X	X			
664			NEW	X	X		X	X	X	X	X	X	X			
665																
666	136	X	X	X	X		X	X	X	X	X	X	X			
667																
668	255	X	X	X	X											
669	645	X	X	X	X			645	X	X	X	X				
670																
671	new	X	X	X	X		X	X	X	X	X	X	X	X	X	
672	313	X	X	X	X		X	X	X	X	X	X	X	X	X	
673			NEW	X	X											
674																
675																
676	081															
H23																
677				513	X		X	X	X	X	X	X	X	X	X	
678								318	X	X	X	X	X	X	X	
679																
680					313											

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681																
682																
683																
684																
685																
686																
687																
688																
689																
690																
691																
H24																
692																
693																
694																
695																
696																
H25		548	X	X	X	X	X	X					554	X	X	X
H26						665										
H27																
697																
698																
699																
700																
701																
702																
703																
704																
705				989	X	X	X	X		X	X	X	X	X	X	X
706																
707																
708																
709																
710																
711																
712																
713																

**Brookhurst/Adams  
Parking Count  
Friday - 8/5/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
714					180											
715																
716					531											
717		182	X	X	X											
718		267	X													
719																
720																
721													721	X	X	X
722		715	X	X	X								HLM	X	X	X
723													X	X	X	X
724													013	X	X	X
725													520	X	X	X
726					149											
727						540	X	X		X	X	X	X	X	X	X
728				X		275										
729		215	X	X	X	450										
730						X	X	X		X	X	X	X	X	X	X
731								666								
732																
733															298	
734																
735		985	X	X	X	X	X	X		X	X		341	X	X	X
736													X	X	X	X
737													544	X	X	X
738													525	X	X	X
739																
740				X		610						341			NEW	X
H28			028		917						257	X				
741		850	X	X	X	X										
742																
743																
744		304	X	X	X	051		912								
745																
746			371	580		513	X	X								
747						ISH	416									
748		638	308	963		957		068								
749			489	X	267	308		393								
						X		976		405					568	447

**Brookhurst/Adams  
Parking Count  
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750		459			770	691	315	X		601		811	003	X	X	X
751			NEW	X		349	X	X		567			231	X	150	X
752		867				100		197		NEW						
753				174				NEW								
754																
755																
756																
TOTAL	167	194	171	221	277	259	269	257	170	186	215	212	208	201	201	178
% Used	20%	25%	23%	28%	35%	33%	34%	33%	22%	24%	27%	27%	27%	26%	26%	23%

Brookhurst Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
1																
2																
3																
4																
5																
6																
7																
8																
9										872						
10											NEW					
11	460	X	X	X	X	X	X	X	X	X						
12																
13																
14																
15	910	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
16								428	204		040	699				221
17			031			FAN	X	X	X	X	X	X	X	X	X	X
18									812		233			731	X	
19															498	
20															372	
21															411	
22															582	
23			173													
24																
25																
26						283							NEW			
27			630				412									
28	439	X		261	712	X	811	615					455			
29				616	594	225	X						806		143	
H1																
30																
31																
32						244	X	X	X					020		
33					258	596	X						332	X	X	X
34				444	X		KGS		108				228	X	X	610
35				711				509	X	166	X					
36				391	X		170	067				425	X	833		409

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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
37			331	433	X	X	X	X	X	X	X	X	X	X		121
38				093				500	X		739	X	X	X	632	X
39	041	X	X	X					QWVN	X	X	X	X			900
40				503			999	X	IFF	318	X				675	
41				MEI	X			935	X		120	X	X			
42									209		287		503		839	985
43			245	NEW				268	X	X	X	231	X	216	X	
44	170	X	X		808	X	X	X		194	876		NEW	X		
45																
46	304	X	078	X	261				160		538			766	X	
47	193	X	796	X	YXH				607	506	335	X	X	X	319	X
H2	392	X	776	X		281			172							
48			788	X	X	PPY	X	X	733		319	X	X	X	BRR	X
49							NEW	X	X	X	X					
50	041	X														
51																
52																
53	991	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
54			NEW	X	X	X	X	X	X	X	X	X	X			
55																
56																
57	745	X	X	X	X	X	X	X	X	X	X	X	X	X		
58																
59	136	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
60	519	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
61													546	X		
62	586	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
63	452	X	X	X	X	X	X	X	X	X	X	X	X			
64																
65	778	X	X	X	X	X	X	X	X	X	X	X	X	X		
66																
67	060	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
68	308	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
69																
70																
71																
72																030

Brookhurst Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
73								221	X							
74					043			307	X							
75										NEW	X					
76																
77																
78																
79																
80																
81																
82																
83																
84																
85																
86																
87																
88																
89																
90	430	X														
91																
92																
93																
94																
95																
96																
97	017	X	X	X	X	X	X	X	X							
98	722	X	X	X	X	X	X	X	X							
99	599	X	X	X	X	X	X	X	X							
100																
101																
102	305	X	X	X	X	X	X	X	X							
103																
104	336	X	X	X	X	X	X	X	X							
105	029	X	X	X	X	X	X	X	X							
106	225	X	X	X	X	X	X	X	X							
107																
108																
109																

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110																
111																
112																
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140																
141																
142																
143																
144																
145		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
146		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X



Brookhurst Adams  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
147																
148																
149																
150																
151																
152																
153																
154																
155																
156																
157																
158																
159																
160			699	X	X		201	X	X							
161																
162																
163																
164						549	X	X	X	X	X	X	X	X	X	
165	293	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
166																
167	451	X	X	X	X	X	X	X								
168																
169	322	X	X	X	X	X	X	X								
170																
171	NEW	X														
172																
173	172	X	X	X	X											
174	519	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
175																
176	064	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
177																
178	896	X	X	X	X	X	X	X	X	X	X	X	X			
179	645	X	X	X	X	X	X	X	X	X	X	X	X			
H3					293			318	JAX		332	X	X	X	187	X
180	482	X	X		42	X	X	X	X		NEW	X	X	X	332	905
181	NS	X	019	X	571		030	X	X	X	X	X	X	X	X	
182	030	441	030	X	230					500	089				768	X

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183			948	X	X	543	439	X			X			589	534	X
184	324	X	X	X					798	X			938	X	714	601
185	413	X	X	715	X				645	X			926	X	X	X
186	209	X	X	X	645	X		X			159	X	X	262	X	X
187	702	X	X	X	X						505		966	X	X	
188	131							NEW		051				433	X	X
189			721	044	351	X		X					995	X	X	X
190	044		683	X	X	X		X	683	X			536	X	X	X
191		536	X	X	X	X		X		634	X	X	X	X	X	X
192	BUG	X	X	X	X	X		X	X	X	X	X	X	X	X	
193	111	X	X	X	X	X		X	X	X	X	X	X	X	X	X
194	634	X	X	X	X	X		X	X				049	X	X	X
195	033	X	X	X				X	X	X	X	X	X	X	X	X
196		255			687	X		X	X				683	X	X	X
197								X	675					254	X	X
198					170	056		X	X	X	X	X	X			973
199				974	989			946	035	746	X	X	X	X	X	687
200					978	X		X	X	X	X	X	X	X	X	X
201				391	198	X		X	X	X	X	X	X	X	X	925
202	150	X	X		932			106	789				874	X	X	394
203	396	X	X	X	X	X		X	X	X	X	X	X	X	X	
H4	132	X	X	X	X	X		X	X	X	X	X	X	X	X	446
H5			453	X	X	X		X	X	X	X	X	X	X	X	X
H6	630	X	X	X	X	X		X	X	X	X	X	X	X	X	X
204	276	X	X	X	X	X		X	X	X	X	X	X	X	X	X
205	004	X	X	X	X	X		X	X	X	X	X	818	375	X	X
206	402	253	X	X				213	389				000	X	X	X
207	811	X	X	864				205	X	X	X					
208	495	X	X	X	098	X		X	701	X	X	059		197		241
209	320	X		232	254			669	936				709	X	703	
210	056	X	X	X	X			815	X	X	X	X	X	X	X	X
211	544	X	X	X	X			972	X	X	X					636
212			743	X	X			X	X	X	X	X	X	X	X	X
213			221	127	X			743	X	X	X	X	X	974	X	X
214				538	X			177	X		444	432	X	X	X	X
215	WYF	X	X	X	X	X		X	X	X	X		X	100		709
216				664	X			949	X	X	X			639		

**Brookhurst/Adams  
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Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
217		070	X	X	X	X	X	X	X	X	X				432
218	TXN	X	X	X	X	X	X	X						106	X
219	746	X	X	X	X	X	X	X					447		
220	012	X	X	X	X	X	X	X	X	X	X	926		751	X
221	SUE	X	X	X	581					599		643	X	X	X
222	791	X	X	X	X	X	NEW				NEW				
223		017	X	X	X	X	X	X	X	X	X				
224			046	X	X	X	X		352						719
225			013	129	740	NEW					CAT	ZNI	NEW		
226															
227	656	048	X	974	X	784	NEW	X			128	965	X	X	202
H7	972	X	006			648	X	X			412			606	
H8	472	X	X	040						857	X	X			
H9	548	X	X	X	X					548	X	729	X		
228				376		X	X								
229	139	X	712					245						537	173
230															
231	168	UM4	925	479		X	X	164		518	008	570			824
232	568	X	BGY	X	927	856	X	447	X	X	X	X	X	X	X
233	129	X	225	X		713	X	424	X		525		SEG		278
234		067	170	898	X			980			159	NEW	200		933
235	288		630	862		799	X	404			158				233
236				ACH	018							171			544
237	091	X	X	X	X	X	X	X	X	X	X	X	X	X	X
238					013			997							
239															607
240	355			900	X	X	X	X	X	X	X	X	X	X	
241															
242		026													
243	682	X	X	X	X	X	X	272	X	X		HOT	X		017
244	740	X	X	X	X	X	X	X	X	X	X	X	X	X	
245			507		MR	X	X	X					640	X	X
246			231		501	019	X	X			104	X	400	X	
247											041	X	X	X	
248	050	X	X	X	X	X	X	X			911	071		956	X
249	041	X	X	X	X	X	X	X	X	X	796	941		963	041
250	100	X	X	303	670			260	X		266	456		682	050

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251	NEW	109	X	X	X		X	624	YES		TWO		734			650
252	447	724	721	702				132	459			553	799	X	426	380
253	505	X	944					712	WRF	033			336	648	640	397
254	165	768						745	196				816	049	126	X
255		333	671		529			203	168					395	299	X
256		957	X	637	826	X		TFL	X	683		112	X	519	X	410
257	MP	244	931	X	378				469	913						
258																
259	717	X														
260	176	334	541	X	X				IEE	431	157	501	806	225		717
261	254	X		888			X	X	373	682	326	373	806		406	X
262	491	X	964	021	X			457	X	222	789	X	X	661	710	X
263		369	541							854	F4L			285	143	687
264			014		732		X	261	X	BAD	281		845	091		
265		491	X	021				132			024		720	X	571	709
266			KAS				X	ROZ	589		PIL	733		374	677	X
267	984	X	196		711			381	642		283	313	665	937	916	466
268		880	274				396	X	170		996			819	882	007
269												059	X	X	X	X
270		384	496	X	400	X							420		956	X
271	284	X	X	X	X		X	X	X	X	X	175	826			
272	880	X	X	X	X		X	X	X	X	X		290	X	X	X
273	709	X	X	X	X		X	X	X	X	X	X	X	X	X	X
274	348	X	X		009	X	X	X	X	X	X	X	X	X	X	X
275	219			884	X	221	X		737				823		FX3	X
276			029	X	X	306	X	793	710			800			440	904
277	002			456	X	734	X		558		614	706	X	X	826	X
278	NEW	X	608	X		818	324	X	571			331		750	703	996
279			NEW	278	X	842	X		X62	X	296	CMD	X		366	
280		975	960	X	713	088	443	489	X	711	160	460	NEW	X	X	X
281		URF	351		625	X	212	X	X		604	X	471	X	761	X
282	NEW		016	X		323	716	841	499	077	098	X	038		347	X
283	872	207	397	041	006	185	X	344	429	NEW	022			239	873	913
284				360	310	628	REA	X	978	809	577	916	059	861	580	420
H10		757	849	NEW	X	391	574	FL9	X	508	003	117	X		546	755
285	710		281	136	229		662	X		642	398	713	X	046	861	380
286	218	X	X	X	X	X	X	X	X	X	X	379	X	235	221	013

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287	817	102	321		505	X	091	MO2		419	319	494	652		091	X
288	089	NEW	710	X	X	X	X	X	X	X	642	X	066		875	X
289	470	741	832	442	986	X	096	764	X	014	848	616	604	X	764	NEW
290	975	377	852	BUS	732	176	X	470	X	593	874	273	X	594	906	
291	749			800	911	164	772	273	EDO	571	273	X	366	414	850	220
292	262	X	006	330	720	313	431	X	202	038	RKR	631	X	999		113
293					471	X	X	X	X	X	X	X	X	732	301	702
294																
295																
296																
297																
298																
299																
300																
301																
302																
303																
304								939					028		165	X
305			848			265	151				912			713	912	111
306			313	X	X	409	065	840	X					882	521	233
307			343		430	275	XIB		876	X		805	288		FYI	702
308	995	X	334	X	X		223	649	X	399		378	782	127	974	X
309	805	349	335	X	X	094	103	939	577	X	745	991	X	301	638	NEW
310	130	780	345		210	410	108	004	725	X		789	114	X	X	X
311	313	534	620	679	780	094	493	X		945		402	771	090	768	037
312	MAL	611	X		103			661	073	340	041	NEW	985	X	832	641
313	983	441	727	X	265	NEW	873	824	X	015	381	076	NEW	871	151	355
314	944	128	321			382	221	363	374			381	882	223	872	697
315		651	117	224	634	040	241	X	208		081	382	401	134	940	453
316		705	048		537	X	762		339	013	448	524	610	428	738	562
317		166	X	697		137	IME			670	541	363	162	464		213
318	179	662	837	855		977	NEW	939	X			985		NEW	372	
319	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
320			481	Z							960		413	108		
321		908	X	378			685			707		995	642	ROW		
322	905		546	X	X	X		759	618	FSS			223	627		
323	034		680	319						705	X				792	X

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324	513	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
325												554	X	X	X	X
326	611	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
327	364	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
328	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
329	446	X	X	X	X	MNE	X	786	577	X	X	186	X	X	403	
330		986	X	X	X		367	X	X	X	X	730	X	930	GRT	X
331	486	X	X	X	X	562	X	X	X	X	X	X	X	X	X	X
332		137										338	X	001	453	X
333			734										004	X		
334											797	730	X	031		619
335		FST		700				448	X			359	X	462	X	190
336			VZA		390						218	297	12D	644	X	710
H11				307	001	855	902	X	NEW	167		424	X	X	X	X
337		076	073	346	MAC				096		680		404	261	139	006
338	201	187	X	005		978	220	785	X	894	388	074	NEW	458	052	WL3
339	634	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
340	101	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
341	637	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
342							561	X	415	X		201	X	X	X	X
343														324		
344	491	X	X	X	X	X	X	X	X	X	X	212		NEW		
345														382		
346	449	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
347	249	X	X	X	X	X	X	X								
348				669	X	X	X	X								
349	827	X	X	702	X		X	X					NEW	X		
350	391	X	X	X	X	X	X	X					088	X	X	X
351																
352	669	X	X	NEW	X	X		301					164	X		
353	666	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
354						955	X	X	X	X	X	X	X	X	X	X
355	891	X	X	X	X	X	X	X								
356		958	X	X	X	X	X	X	X	X						
357						F51										
358	543	X	X		X	NEW	X	X	X	X	X	X	X	X	X	X
359					X									302	NEW	X

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360	625	X	X	X	X	X	X	X	112	X	X	X	X	X	X
361									626	X	X	X	X	X	X
362	226	X	X	X	X	X	X	X	X	X	X	X			
363	680	X	X	X	X	X	X	X	X	X					
364															
365															
366															
367															
368	407				190	780			060	763	260		629		
369						577	X	X	X	X	X	X	X	X	X
370	371	X	X	X	X	X	X	X	X	X	X	X	X	X	X
371	577	X											348	X	X
372							260	X	X	X	X	X	X	X	X
373						996							GGW		
374										707	X				
375		NEW	X	X	X				819	X	X				
376				055	X	X	X	X	X	X	X	X	X	X	X
377	767	X	X	X	X	X	X	X	X	X	X	X	X		
378		995	X	X	X	X	X	X		843	X				
379		FEJ				767		095	X	X	X	X	X	X	X
H12					307					696	X				
380											NEW				
381	035	X	X	X	X	X	X	X	X	X	X	X	X	X	X
382															
383		734	X	X	X										
384															
385															
386	236	X	X	X	X	X	X	X	X	X	X	X	X	X	X
387	670								758						
388															
389															
390															
391	772		696												
392	021														
393		488	X	X	X										
394			356												
395	NEW		826		218	994			347			371	X		

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396														986		
397						371		660								
398														DCF	X	X
399		X				180	X	X								
400	180	223														
401	893	X	X	X	X	X	X	X	X	X						
402																
403																
404		913	X	X	X	X	X	X	X	X	X	X	X	X	X	X
405										NEW	X	X	X	X	X	X
406	NEW															
407									584	X	X	X	X	X	X	X
408		005	X	X	X	780	X	X	X	X	X	X	X	X	X	X
409		NEW	X	584	X	846		225	X	X	X					
410																
411																
H13				703								377	X			MOE
H14	692	X													003	X
412	072	X											426			475
413		812														
414	575															
415	160										544	X		567	X	
416														807	X	602
417																
H15																
418																
419																
420																
421																
422																
423		115	X	X	X	X	X	X								
424						new	X	X					042	X		
425						new	X	X								
426						new	X	X							060	
427							X	X				651	X			
428																
429		673					187									046



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430		701	X	X	X	X	X	X	X	X	X	X	X	X
431					295	X	X	X	X					
432		436	X	X	X		028	X	X	X	X	X	X	X
433		808					751	X	X	X	X	X	X	X
434		622	X	X	X	X	X	X	X	X	X	X	X	X
435		914	X	X	X	X	X	X	X	X	X	X	X	X
436		610	X	X	X		735	X	936	X	X	X	X	X
437		202	X	X	X	202	X	X	X	X	X	X	X	X
438		238			X	X	X	X	X	X	X	X	X	X
439		867						502	X	X	X	X	X	X
440					238	X	X	X	X	X	X	X	X	X
441		882	X	X	X	X				678	X	X	X	X
442		459	X	X	X	X	X	989					378	
443		078	X	X	X	X	X							
444		454		509	X	X	X	X	X	X	X	X	X	X
445		232		000				823		new				
446								661						
447		606			890			762		304		258		
448											071			
449		028	X	X	X	X								new
450												794		
451														
452		896	X	X	X	X	X	X	X	X	X			
453		105	X	X	X	X	X	X	X	X	X	X	X	X
454		261		377	783			677	X	X	X	X	X	X
455		145				261	X			145	X			
456		407	X	X	X	X	X	X	X	X	X	X	X	X
H16					182									
457		082	X	X	X	X	X	X	X					
458														
459		438	X	X	X	X	X	X	X	X	X	X	X	X
460		620	X	X										
461						591		004	X					
462		600	X	X	X	X	X	X	X	X	X	X	X	X
463									681		880			142
464										932				
465		260			043	X	X	X	X	X	X	X	X	X

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466					808	X	X	X		X	X	X	X	X	X	X
467		730							610	X	X	X	X	X	X	X
468		043		688	005		840		668				799	new	026	105
469		073			016			923			604		958	419		
470		345		028			423		660	487						
471				204	593		445	X		204			303	829	073	268
H17		new			024	309				480	777			400		
472														527	X	
473									401							
474												427	X	X		
475				330	X	X	X		new	X	X	X	X	X		
476		089					318	X	X	X	X	X	X	X	X	X
477		243	X	X	X	X	X	X	X							
478				720	X	X	X			192	X	X	X	X	X	661
479		370	X	X		X	X	X	X	X	X	X	X	X	X	042
480		newX	X	X	X	X	X	X		039	X	X	X	X	X	X
481																
482		658	X	X			738	X	X	X	X	X	951		651	X
483		597			658X	X	X	X	X	X	951			810	new	X
484														591	X	X
485		706	X	X	X	X	X	X	X	X	X	X	X	X	X	X
486		688	X	X	X	X	X	X	X	X	X	X	X	X	X	X
487				new	X				new	X		new	X			
488									new	X						
489										X		new	091	X	105	X
490						new									X	X
491		new	X	X	X										291	X
492				503	X	X	X	X	X	X	X	X	X	X	X	X
493																
494																
495																
496																
497		393	X	X	X	X	X	X	X	X	X	X	X	X	X	X
498		new	X	X	X	X	X	X	X	409					510	X
499		303	X	X	X			167								X
500						310										
501																

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502																
503				611	X	X	X	X	X	X	X	X	X		423	
504																
505									728							
506		new	X	X	X	X	X	X	X	X	X	X	X	X	X	X
507								778								
508																
509																
510																
511		138	X	X	X	X	X	X	X	X	X	X	X	X	X	X
512							111									
513																
514		694	X	X	X	X	X									
515		434	X	X	X											
516				422												
517					668	X		434	X	X	X	X	X			
518					568				753	X	X	X		864		
519		626	X	X	X	X	X									
520		519	X	X	X			203								
521		684						689	X	X	X	X	X	X	X	X
522		395	X	X	X	X	X	X			547	X	X	X	X	X
523		571	X	X	X	X	X	X	X	X	935	830	X			
524				837	X	X	X	X					698	X	X	X
525										478			371			
526		230		024	X	X	X	X								
527		391				536	X	X	X	X	X	X	X	X		
528		506		289	X	X						607	391			
529				new				067	X	X	X	X	X	X		
530		977	X	X	X	X	X	X	X	X	X	X	X	X	X	
531																
532																
533																
534																
535																
536																
537																
538																

Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
539																
540																
541	618	X	X	X	X		X	X	X	X	X	X	X	X	X	X
542	427	X	X	X												
543																
544																
545			124	X	X											
546																
547																
548																
549																
550														501	X	X
551	303	X	X	X	X		X	X	X	X	X	X	X	X	X	X
552																
553																
554	712	706	X	X	X		X	X	X	X	X	X	X	X	X	X
555													994	422		
556												332	X			
557																
558	352	X	X													
559											216					
560		088	X	X	X		X	X	X	X	X					
561																
562																
563	393	X	X	X	X					223	X	X	X	420	X	X
564																
565																
566	753	X	X	X	X		X	X	X	X	X					
567																
568	672	X	X	X	X		X	X	X	X	X	X	X	X	X	X
H18	190	X	X	X	X		X	X	X	X	X	X	X	X	X	X
569														021	787	X
570										818			SR6	X	X	X
571													478	X		
572										431						
573																
574	970	X	X	X	X		X	X	X	X	X	X	X			

Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
575										371						
576																
577																
578	NEW															
579																
580																
581										252						
582																
583																
584																
585	811															
H19		794								180						
H20																
586	175	X	X	X	X	X	X		308				487	021	X	X
587		126	X	X		695			972				703	X	X	X
588	487	X	X	X	X	567	X	X		483	X			X		X
589	483	X	X	X	X	X	X	X	X	X						
590	494	780	X	X	X											
591	174	X	831	X	X		980	X	X							
592	020	X		204	X											
593																
594																
595																
596		569	X													
597	018															
598																
599	770	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
600	VLA	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
601			HNO	688	X	959				930		NEW	X		OR7	
602				X	X	702			142	160	X	035	X	X	X	
603		000	X	X	X	X	X	X	X	X	X	X	X	X	X	X
604		589	X				454	X	128	180	X	X	899	508	X	X
605	952	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
H21	428			470										929		
606	606	X	594			790		978	X	708	CJO		175	NEW	907	
607		158	539				222	778	838	217	688	239	259	762	096	
608		995						551	X	BAK	135	NEW	X	021		

**Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
609			901		115	X	X	X	X	872	818	X	544	552		
610		704	X					569	466	467	X		NEW	GET	314	
611	000		SHE				845	471	142	VAL		391		052		
612			342					475	X		HOW	397	717		174	
613			366			535	X			099	X	399		353		
614		784	X												367	
615						198	X	X	X		050					
616								LOL			337			862		
617																
618	475	X	955	X	X	779	X	X						663		
619	845	X	X	X	X		601	X						435		
620	319	683	X	X	X		485	X						667		
621		516		513	X	180		111						531		
622	557	618	916	X	X	446								229	X	NEW
623	987	671	X	XX668											334	
624			407								546				337	X
625																
626		547													631	X
627																
628																654
629	793	x							X	X	X	X	X	X	X	
630	431	X	x	X	X			X	X	X	X	X	X	X	X	
631					X											
632	555	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
633								881								
634				173				3KR								
635																
636																
637	588	X	X	X	X	X	X	X	X	X	027	X	X	X	X	X
638							589	X								359
639	700	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
640	NEW	X	X	X	X	X	X	X	X	X	X	X	X	X	X	NEW
641																
642						659	X	X	X							
643																
644											835				830	
645					337	X	X			201	427					

Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
646					150	X	X	X	X	X	X	X	X	X		
647													389	X		5L5
648	LLE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
649				663	317	X	X	X					843	DAY		
650				771	636	X	X	X	X	X			725			201
651					863	X	X	X		193						
652																
653		836	X		359	X	X	X	013	X	X	X	X		X	359
654		111	X	X	X			343	X	X	X	X	X		X	X
655		782	X	X	985	X	X	X	X	X				561		609
656	467	941	X	X	X	X	124	X					640		370	N55
657		806	X	X	S42	X	X	X			001					921
658	534						546	X	799	X	X	X	X			
H22																
659		435	X	X	X	X	X									
660	833	X														
661																
662																
663																
664																
665																
666				NEW												
667																
668																
669																
670																
671																
672																
673																
674																
675																
676																
H23																
677																
678																
679																
680											180					

Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
681	327	X	X	X	X	X	X	X						X	X	X
682											327	X	X	X		
683																
684																
685									668	X	X	X	X	X	X	X
686					769	X	X	X	X	X	379	X	X	X	X	X
687	379	X	X	X	X	X	X	X		813	X	X				
688	813	X	X	X	X	924	X	X	X	X	X	X	X	X	X	X
689	924	X	X													
690										666	X	X	X			769
691	NEW	X	X	X	X	X	X	X	X	X	371	X	X	X	X	X
H24			392											079		
692																
693																
694																
695																
696																
H25																
H26																
H27			435										289	X	X	X
697	878	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
698	881	X	995	X	X	X	X	X	X	X	X	X	X	X	X	X
699	050	X	X	X	X	X	X	X								
700				573												
701																
702																
703																
704	758	X	X													
705																
706																
707																
708		393	X	X											213	
709			969	X	X	X	X	X	X	X	X	X	X	X	X	X
710																
711																
712																
713					202	X	X	X	X	X	X	X	X	X	X	X



**Brookhurs/Adams  
Parking Count  
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
714																
715	HAO	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
716	596	X	147	X	436	X	X	X		596	X	X	X	X	X	X
717																NEW
718	348				X	X	X	X	X	X	X	X	X	X	X	X
719																148
720														721	X	X
721	715	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
722	985	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
723														013	X	X
724									966							
725									X	X				390	X	
726														349	X	X
727	408	X	X	X	X	215	X	X	X		095	X	X	X	X	X
728				215	279	X	X	X	X	X	X	X	X	X	X	X
729																
730																
731																
732															657	X
733														241	X	X
734																
735																
736																
737																
738																
739											648	X	X	X		NEW
740												544	X	X	X	X
H28														525	X	X
741														967	X	X
742				112												
743																
744																
745	850	X				883	X	X	X	860						
746			051	X	X						304					
747		365	935	X	580	X	X	X	X		479	X			004	
748		225	X												935	X
749									785					NEW	X	

**Brookhurst/Adams  
Parking Count  
Saturday - 8/6/05**

Space No.	10 A.M.	10:30 A.M.	11 A.M.	11:30 A.M.	12 P.M.	12:30 P.M.	1 P.M.	1:30 P.M.	2 P.M.	2:30 P.M.	3 P.M.	3:30 P.M.	4 P.M.	4:30 P.M.	5 P.M.	5:30 P.M.
750																
751																
752		V3R	X				X	X	X						362	X
753		513	X						425		992			831		
754	897								NEW	160				521		
755	NEW								868		610	SUX	X	082	151	X
756									393	X	941			113	X	
TOTAL	220	304	304	304	303	282	303	314	307	271	272	259	295	303	286	278
% Used	28%	39%	39%	39%	39%	36%	39%	40%	39%	36%	35%	33%	38%	39%	36%	35%



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET  
P.O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648

Tel. (714) 960-8811

Kenneth W. Small  
Chief of Police

## ENTERTAINMENT PERMIT

THIS PERMIT ALLOWS ONLY THE ACTIVITY SHOWN BELOW BY THE PERSON OR PERSONS TO WHOM THE PERMIT IS ISSUED. THIS PERMIT IS NOT TRANSFERABLE.

ISSUED TO: **LA PETITE PARIS RESTAURANT**  
**10142 Adams Ave.**  
**Huntington Beach, CA 92646**

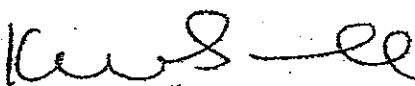
Effective Dates: June 1, 2005 through June 1, 2006

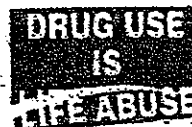
### CONDITIONS:

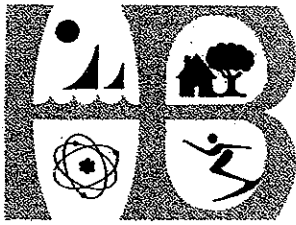
1. Hours of Entertainment: Sunday through Thursday: 9:00 PM to 1:00 AM  
Friday to Saturday: 9:00 PM to 1:30 AM
2. Types of Entertainment: Amplified, and non-amplified, limited to a solo performer or entertainer, not otherwise prohibited or regulated by City Ordinance or City Permit Process, or any conditions set forth by the ABC, is approved.
3. No dancing.
4. Alcoholic drinks shall not be included in the price of admission. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
5. Entertainment will not be audible beyond 50 feet of the business in any direction. (HBMC §40.112)
6. All exterior doors and windows shall be closed during times of entertainment. All entertainment must remain inside the establishment at all times.
7. Security Guards: At least 4 when entertainment is present. Two guards must be in the parking lot adjacent to Moulin Rouge at all times during entertainment. The guards must be clearly identifiable as a security guard and possess a valid Guard Card from the State of California.
8. This permit is valid only when used in conjunction with a valid Conditional Use Permit allowing entertainment at the premises.
9. This permit must be posted in a conspicuous place on the premises described above.
10. Calls for Police service at your establishment deemed excessive as described in 5.44.050 HBMC, as well as any violations of your A.B.C. License or Conditional Use Permit, can result in the suspension or revocation of your Entertainment Permit.
11. Per section 5.28.030 HBMC, no person conducting, maintaining or carrying on a business, or having charge or control thereof, which permits entertainment to be allowed on its premises, shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian.
12. Must obey all state, local, and municipal laws, including, but not limited to, the "No Smoking" statute under Labor Code 6404.5.

You have the right to appeal the conditions on this permit to the City Council in the manner provided by Section 248.02A of the Huntington Beach Zoning and Subdivision Ordinance; except that the written appeal must be filed with the City Clerk within five (5) days of service of this written notice.

ISSUE DATE: June 15, 2005

  
Kenneth W. Small  
Chief of Police





# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540  
374-1648

September 28, 2005

Vu Tran  
10126 Towneway Drive  
El Monte, CA 91733

**SUBJECT: CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING)  
DEVELOPMENT AND USE REQUIREMENTS**

Dear Mr. Tran,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable City policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

RON SANTOS  
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575  
Eric Engberg, Fire Department – 714-536-5564  
Herb Fauland, Principal Planner  
  
Business Properties  
17631 Fitch  
Irvine, CA 92623

ATTACHMENT NO. 1.63

**DRAFT CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE  
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**  
(September 29, 2005)

**PROJECT:** LE PETIT PARIS DANCING  
**ADDRESS:** 10142 Adams Avenue

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

**CONDITIONAL USE PERMIT NO. 05-08:**

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. Prior to commencing dancing, the following shall be completed:
  - a. The applicant shall file an application to amend the restaurant's entertainment license in order to allow dancing, consistent with Conditional Use Permit No. 05-08. A copy of an approved, amended Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
  - b. An amended Certificate of Occupancy shall be obtained from the Department of Building & Safety. A detailed, fully-dimensioned floor plan, consistent with the floor plan approved in conjunction with Conditional Use Permit No. 05-08, shall be submitted with the Certificate of Occupancy application.
3. The use shall comply with the following:
  - a. Only the uses described in the submitted narrative shall be permitted.
  - b. Any increase in occupancy loading shall require separate review and approval by the Fire Department. (FD)
  - c. All required paths of egress shall be maintained clear during times of live entertainment and dancing. (FD)
4. The Planning Director ensures that all requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan and/or floor plans are proposed. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

6. Conditional Use Permit No. 05-08 shall not become effective until the ten calendar day appeal period from the Planning Commission's approval of the entitlements has elapsed.
7. Conditional Use Permit No. 05-08 shall become null and void unless exercised within one year of the date of final approval which is October 11, 2005, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
8. The Planning Commission reserves the right to revoke Conditional Use Permit No. 05-08 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
9. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
10. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.

**B-2. CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING):**

**Applicant:** Vu Tran **Request:** To permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one-space reduction in required parking pursuant to the provisions of HBZSO Section 231.08(B) – Reduced Parking for Certain Uses. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

**STAFF RECOMMENDATION:** Motion to: “Approve Conditional Use Permit No. 05-08 with findings and suggested conditions of approval.”

Ron Santos, Associate Planner, identified a late communication dated August 6, 2004 titled, *Moulin Rouge Entertainment Permit Revocation*, and an email communication dated October 10, 2005 titled, *Petit Paris Dancing*. He also informed the Commission that he received one call in support of the item, and one call with general questions. He also provided a staff report and PowerPoint presentation.

**Commission Disclosures:** Commissioners Dwyer and Scandura spoke with their Council representatives; Commissioners Dwyer, Scandura and Ray spoke with staff; Commissioners Scandura, Dingwall, Burnett, Horgan and Ray visited the site; Commissioner Scandura spoke with a Le Petit Paris employee; and, Commissioner Burnett visited the surrounding neighborhood.

Commission questions/comments included:

- Discussion on Land Use Elements (Policy LU 7.1.1, Objective LU 7.1 and Goal LU 11)
- Compatibility issues (parking, noise, outdoor lighting) affecting the surrounding residential
- Dance floor square footage
- Parking study results
- Past Police Department violations
- Hours of operation versus hours allowed for dancing
- Unpaid fines
- Existing conditional use permit/entertainment permit requirements
- Soundproofing

**THE PUBLIC HEARING WAS OPENED:**

Steve Stafford, Estate Circle, spoke in opposition to the item, voicing concerns related to parking and dance floor square footage. He made reference to a similar establishment in Newport Beach and recommended stronger regulations and enforcement by Police and Code Enforcement.

Dai Phung, Lawson Lane, spoke in opposition to the item. As a Meredith Gardens resident, he described his experiences with the nightclub involving noise and inappropriate behavior by patrons late at night. He stated he would consider selling his house if the request for a dance permit was approved.

Dalena Morton, Le Petit Paris, spoke in support of the item. She stated that the Le Petit Paris has been operating without a police-related incident for the past five months and described the club's interior as elegant for fine dining, and that

she hopes to attract a refined clientele and hold wedding and anniversary celebrations. She also described the insulated walls that prevent noise from escaping, and informed the Commission that the Chamber of Commerce endorses the business.

Bill Pham, applicant, spoke in support of the item. He addressed concerns about the establishment's potential to become a nightclub. He described his intentions to hold wedding and anniversary parties, and his hopes for a long-term business relationship and good reputation with the surrounding community. He also described the soundproofing material installed to prohibit noise from escaping.

Commissioner Dwyer asked if the entertainment permit regulates live music. Mr. Pham confirmed.

Commissioner Dingwall asked about the type of music played at the Le Petit Paris. Mr. Pham described it as a keyboard player with computerized background music, with the bass controlled by an acoustic engineer.

Commissioner Burnett voiced concerns about past fines remaining unpaid. Mr. Pham explained difficulties in receiving certified mail, and provided assurance that the issue would be resolved.

Commissioner Burnett addressed the disturbances described in the late communication received by Police Chief Small, including police related calls for service involving loud music, intoxicated patrons, assaults and other miscellaneous complaints. Chief Small reminded the Commission that no police activity has occurred on the site during the past 5 months.

Mr. Pham explained the events and efforts to prohibit fighting. Chair Ray asked if Mr. Pham hires trained, professional security guards to handle intoxicated patrons and fights. Mr. Pham replied in the affirmative, also stating that changes have occurred due to the type of patrons who visit the new, upscale environment.

Mr. Ray asked Mr. Pham to explain his plans on policing the dance floor. Mr. Pham described his plans for security and clearance from the location of tables and chairs to the proposed dance floor.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commissioner Dingwall asked Fire Marshall Engberg to comment on the 3-foot dance floor apron for service staff to maneuver through. Chief Engberg stated that a 3-foot apron meets minimum requirements, and that the dance floor would be monitored for number of occupants, etc. through annual inspections.

Commissioner Dingwall asked Police Chief Small if the greatest number of complaints occurred during late night hours. Chief Small replied in the affirmative, describing the calls as a combination of parking lot/restaurant complaints, and stated that the applicant has remediated noise problems in the parking lot.



Commissioner Scandura suggested that the dance floor be delineated, and a 6-month review period be added to the conditions of approval. Commissioner Dwyer agreed.

Commissioner Burnett asked previous speaker Mr. Phung if the noise levels had decreased over the past few months. Mr. Phung said conditions had improved, however the bass level from the music instrument needs to be addressed.

Chief Small suggested that the conditions of approval reference Municipal Code Section 5.44.090 - Revocation and/or Suspension of Permit, and explained that the owner will have to modify his entertainment permit for dancing and security guards.

Chair Ray discussed regulating dance floor hours to live entertainment and voiced concerns about a reduction in parking and his disappointment with the traffic study, calling it confusing.

Mr. Hess explained that the hours of operation already exist and are not to be considered as part of the request before them.

Discussion ensued about a 6-month review period, with staff explaining that Police and Code Enforcement staff would provide a report.

**A MOTION WAS MADE BY DINGWALL TO PERMIT A 140 SQUARE FOOT DANCE FLOOR, OPERATING THE HOURS OF 12:00 P.M. TO 10:00 P.M. WEEKDAYS, AND 12:00 P.M. TO 12:00 A.M. ON WEEKENDS WITH SECURITY PERSONNEL ON SITE UNTIL 2 HOURS FOLLOWING CLOSE OF BUSINESS, AND INCLUDE A 6-MONTH REVIEW PERIOD.**

Discussion ensued on retaining security guards after close of business. Police Chief Small described the difficulty in stopping patrons from dancing before the hours of live entertainment expire.

Mr. Pham voiced concerns about the expense in retaining security guards hours after close of business.

**WITH NO SECOND, THE MOTION FAILED.**

**A MOTION WAS MADE BY DWYER, SECONDED BY BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 05-08 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL TO INCLUDE A 6-MONTH REVIEW WITH PUBLIC HEARING AND A DELINEATED 140 SQUARE FOOT DANCE FLOOR BY THE FOLLOWING VOTE:**

**AYES: Dwyer, Scandura, Dingwall, Ray, Burnett, Horgan**  
**NOES: None**  
**ABSENT: Livengood**  
**ABSTAIN: None**

**MOTION APPROVED**

**FINDINGS AND CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT  
NO. 05-08**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15305 of the CEQA Guidelines, because the conditional use permit provides for minor alterations in land use limitations that do not result in any changes in land use or density.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:**

1. Conditional Use Permit No. 05-08, to permit a 140 sq. ft. dance floor in conjunction with an existing restaurant/nightclub and a one space reduction in required parking, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required entertainment permit. The entertainment permit prohibits noise that is audible at a distance greater than 50 feet from the business. No residential property or other commercial buildings existing within 50 feet of the restaurant. In addition, the subject property provides adequate parking to accommodate the proposed dancing, as demonstrated by a parking survey, prepared by a licensed traffic engineer, indicating an average parking utilization of approximately 40%.
2. The conditional use permit will be compatible with surrounding uses because the proposed use is located within in an existing shopping center in a commercial zone, and is adequately buffered from the nearest residential properties and commercial buildings by distance of approximately 250 feet and 85 feet respectively. In addition, the restaurant building has been soundproofed so as to minimize noise related impacts on surrounding land uses.
3. The proposed dance floor and one space reduction in required parking will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO allows dancing and a reduction in parking for certain uses, in the CG zone, with approval of a conditional use permit and based on a parking survey demonstrating that sufficient parking is available to accommodate the proposed use.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 max. floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:  
  
Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.  
  
Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, and (c) captures visitor and tourist activity.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of an existing business by allowing the existing establishment to provide opportunities for its patrons to dance. In addition, the use will augment entertainment opportunities for residents of the surrounding area.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08:**

1. The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.
2. The limits of the proposed 140 sq. ft. dance floor shall be clearly delineated. The applicant shall submit a plan indicating the proposed means of delineation for review and approval by the Planning Department, prior to the commencement of dancing.
3. A review of the use shall be conducted by the Planning Commission with a public hearing approximately six (6) months following the issuance of a new or amended Entertainment License authorizing dancing, to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**C. ~~CONSENT CALENDAR~~**

**C-1. ~~PLANNING COMMISSION MINUTES DATED AUGUST 9, 2005~~**

**RECOMMENDED ACTION:** Motion to: "Approve the August 9, 2005 Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SCANDURA, SECONDED BY HORGAN, TO APPROVE THE AUGUST 9, 2005 PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:**

**AYES:** Dwyer, Scandura, Dingwall, Ray, Horgan  
**NOES:** None  
**ABSENT:** Livengood  
**ABSTAIN:** Burnett

**MOTION APPROVED**



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET  
P.O. BOX 70

POLICE DEPARTMENT

CALIFORNIA 92648  
Tel. (714) 960-8811

Kenneth W. Small  
Chief of Police

## ENTERTAINMENT PERMIT

THIS PERMIT ALLOWS ONLY THE ACTIVITY SHOWN BELOW BY THE PERSON OR PERSONS TO WHOM THE PERMIT IS ISSUED. THIS PERMIT IS NOT TRANSFERABLE.

ISSUED TO: **LA PETITE PARIS RESTAURANT**  
**10142 Adams Ave.**  
**Huntington Beach, CA 92646**

NOV 08 2005  
RECEIVED


Effective Dates: June 1, 2005 through June 1, 2006

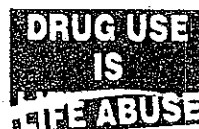
### CONDITIONS:

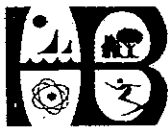
- Hours of Entertainment: Sunday through Thursday: 9:00 PM to 1:00 AM  
Friday to Saturday: 9:00 PM to 1:30 AM  
Piano Bar (Dining Area): 6:00 PM to 9:00 PM (Daily)
- Types of Entertainment: Amplified, and non-amplified, limited to three performers or entertainers in the bar/lounge and one performer at the piano bar dining area, not otherwise prohibited or regulated by City Ordinance or City Permit Process, or any conditions set forth by the ABC, is approved.
- Patron dancing is allowed and limited to the 140 sq. ft. dance floor (CUP 05-08).
- Alcoholic drinks shall not be included in the price of admission. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- Entertainment will not be audible beyond 50 feet of the business in any direction. (HBMC 8.40.112)
- All exterior doors and windows shall be closed during times of entertainment. All entertainment must remain inside the establishment at all times.
- Security Guards: At least 4 when entertainment is present. Two guards must be in the parking lot adjacent to Moulin Rouge at all times during entertainment and shall remain in the parking lot one hour after closing on evenings when entertainment is present. The guards must be clearly identifiable as a security guard and possess a valid Guard Card from the State of California.
- This permit is valid only when used in conjunction with a valid Conditional Use Permit allowing entertainment at the premises.
- This permit must be posted in a conspicuous place on the premises described above.
- Calls for Police service at your establishment deemed excessive as described in 5.44.050 HBMC, as well as any violations of your A.B.C. License or Conditional Use Permit, can result in the suspension or revocation of your Entertainment Permit.
- Per section 5.28.030 HBMC, no person conducting, maintaining or carrying on a business, or having charge or control thereof, which permits entertainment to be allowed on its premises, shall permit to be admitted on such business premises any minor under the age of twenty-one years, if any alcoholic beverages are consumed, dispensed or sold on the premises, unless the minor is accompanied and under the care at all times of his parent or parents or legal guardian.
- Must obey all state, local, and municipal laws, including, but not limited to, the "No Smoking" statue under Labor Code 6404.5.

You have the right to appeal the conditions on this permit to the City Council in the manner provided by Section 248.02 of the Huntington Beach Zoning and Subdivision Ordinance. Except that the written appeal must be filed with the City Clerk within five (5) days of service of this written notice.

ISSUE DATE: November 8, 2005

  
Kenneth W. Small  
Chief of Police





# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

April 5, 2006

Vu Tran, Owner  
Le Petit Paris  
10142 Adams Avenue  
Huntington Beach, CA 92646

**RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE**

**RD: 3930**

Dear Vu Tran:

All Occupancies within Huntington Beach must meet the requirements of the Huntington Beach Fire Code. Recently, a member of the Huntington Beach Fire Department conducted a fire safety inspection, which noted noncompliance with the Fire Code as follows:

**Huntington Beach Building Code 109.5 - Displaying the Certificate of Occupancy.** The certificate of occupancy (C of O) shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**Corrective Action:** At the time of inspection, you could not locate your C of O. Obtain the current Certificate of Occupancy and post it in a conspicuous location within the occupancy.

**Huntington Beach Fire Code Section 2501.16.1- Posting of room capacity.** Any room having an occupant load (OL) of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Such signs shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

**Corrective Action** – The main occupancy load sign and other required OL signs are missing from the two assembly rooms in the restaurant / nightclub. You may need to contact the Huntington Beach Building and Safety Department to verify the correct occupancy loads for the assembly rooms. Once obtained, post signs in each room identifying the occupancy loads for each room. Ensure their accuracy.

**Huntington Beach Fire Code Section 1001.7.1 – Obstruction of Sprinkler Systems.** No person shall place or obstruct, inhibit the operation of any sprinkler system.

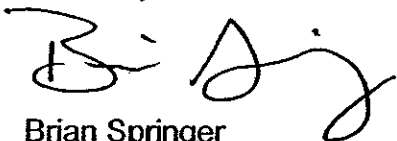
**Corrective Action:** Decorative ceiling material obstructs at least two sprinkler heads in the lounge. Prevent hanging decorative materials from obstructing sprinkler heads throughout the occupancy.

This letter is a Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **April 13<sup>th</sup>, 2006 at 5:00 PM**. An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$286.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation.

If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

---

Sincerely,



Brian Springer  
Fire Protection Specialist

c: Occupancy File #0919  
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

April 14, 2006

Vu Tran, Owner  
Le Petit Paris  
10142 Adams Avenue  
Huntington Beach, CA 92646

**RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE**

**RD: 3930**

Dear Vu Tran:

A member of the Huntington Beach Fire Prevention Division conducted a re-inspection at the above addressed occupancy on April 14<sup>th</sup>, 2006. The following violation(s) have not been corrected:

**Huntington Beach Building Code 109.5 - Displaying the Certificate of Occupancy.** The certificate of occupancy (C of O) shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**Corrective Action:** At the time of inspection, you could not locate your current C of O. Obtain the current Certificate of Occupancy and post it in a conspicuous location within the occupancy.

**Huntington Beach Fire Code Section 2501.16.1- Posting of room capacity.** Any room having an occupant load (OL) of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Such signs shall be maintained legible by the owner or the owner's authorized agent and shall indicate the number of occupants permitted for each room use.

**Corrective Action –** The main occupancy load sign is now posted but the other required OL signs are missing from the two assembly rooms in the restaurant / nightclub. You may need to contact the Huntington Beach Building and Safety Department to verify the correct occupancy loads for the assembly rooms. Once obtained, post signs in each room identifying the occupancy loads for each room. Ensure their accuracy.

**Huntington Beach Fire Code Section 1001.7.1 – Obstruction of Sprinkler Systems.** No person shall place or obstruct, inhibit the operation of any sprinkler system.

**Corrective Action:** Decorative ceiling material obstructs at least one remaining sprinkler head in the lounge. Prevent hanging decorative materials from obstructing sprinkler heads throughout the occupancy.

This letter is a second Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **April 24<sup>th</sup>, 2006 at 5:00 PM.** An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$286.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation.

If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

Sincerely, ~



Brian Springer  
Fire Protection Specialist

c: Occupancy File #0919  
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department



Page: 1

Inventory no. 5.1

# Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown			
Status	Quantity	Type Measure	Suspected Drug Type	

Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Computer	Offender 1 SUI Age: Race: Sex:	Offender 2 Age: Race: Sex:	Offender 3 Age: Race: Sex:	Primary Offender Resident Status <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input checked="" type="checkbox"/> Unknown
	Offender 4 Age: Race: Sex:	Offender 5 Age: Race: Sex:	Offender 6 Age: Race: Sex:	

Name (L, F M) <i>La Petite Paris</i>		Home Address		Home Phone
SUI AKA		<i>10142 Adams Av, Huntington Beach, CA</i>		
Employer Name/Address/Occupation				Business Phone
<i>Club Moulin Rouge, Llc / 10142 Adams Ave</i>				

SS#: <i>DL#:</i>		Birthplace		Mobile Phone		Email Address	
DOB: / Age	Race	Sex	Hgt	Wgt	Build	Hair Color	Eye Color
					Hair Style	Hair Length	Glasses
Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)							

Hat		Shirt/Blouse		Coat/Suit		Socks	
Jacket		Tie/Scarf		Pants/Dress/Skirt		Shoes	
Was Suspect Armed?		Type of Weapon		Direction of Travel		Mode of Travel	
VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin	
Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Type:			

Name (Last, First, Middle)			D.O.B.	Age	Race	Sex	Height	Weight
Home Address			Home Phone		Employer		Work Phone	
SS#: <i>DL#:</i>		Birthplace		Mobile Phone		Email Address		

Assisting Officers  
(421031) BURTON, JASON K

On 04-01-06 at 2300 hours, Officer BURTON and I conducted a bar inspection at the La Petite Paris Restaurant located at 10142 Adams. This inspection was done in response to a request from the Planning Department (Code Enforcement) for the City of Huntington Beach on the La Petite Paris Restaurant's six-month review from a previous suspension of their Entertainment Permit. Both Officer BURTON and I were working in uniform.

I arrived prior to Officer BURTON and parked by patrol vehicle in the parking lot adjacent to the La Petite Paris Restaurant. I know from prior enforcement actions that this location operates as a nightclub during the evening hours and there had been numerous noise complaints from residents regarding loud music coming from this location. I parked my vehicle near the residential homes located across from the restaurant to monitor the noise. I was parked approx. 200 feet from the restaurant and could hear audible music/bass coming from inside the restaurant. I then drove to

ATTACHMENT NO. 5.2

## Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

several other locations throughout the parking lot, adjacent to the homes, and was still able to hear audible music from the restaurant. This portion of the parking lot was coned off and I could see one security guard monitoring the parking lot. I know that their Entertainment Permit requires two security guards to be in the parking lot at all times when live entertainment is present.

I contacted this security guard and asked him if he was the only security guard working the parking lot. This security guard replied that he was the only guard hired by the restaurant and he was the only person assigned to the parking lot. I know that this was a violation of Condition # 7 of their Entertainment Permit.

When Officer BURTON arrived, we both entered the restaurant to conduct an inspection. When we entered, I could see that the entire restaurant was being used for some type of special event. There were several females working a booth at the front door and who were collecting a door or entry fee. I asked one of the females what the cover charge was, and the female told me that the cover charge was \$10.00 for males, and females were free. Another female, who did not want to give me her name, approached me and identified herself as the person promoting tonight's event. This female said that she operates a promotion company called "3X" and that her company was contacted by someone at the La Petite Paris Restaurant to begin promoting events every Saturday. She told me that this was their first event and that she was earning her money from this event from the door cover charge. Refer to attached photocopies of fliers I obtained from inside of the restaurant.

I know that La Petite Paris' ABC License, specifically, Condition #13, prohibits the restaurant from hiring or using any outside promotions or promoters. Refer to attached ABC License for details.

I estimated that there were over 400 patrons inside the restaurant. From memory, I believed that the maximum occupancy was approx. 250 patrons. I began a head count and counted approx. 450 patrons. I then contacted security at the front door and asked him what his occupancy count was. This security guard showed me his hand held counter that displayed 497. I asked the security guard if he knew what the occupancy limit was, and he replied that he did not.

I know that La Petite Paris Restaurant's Entertainment Permit has certain restrictions on entertainment, the size of their dance floor, and what areas of the restaurant are authorized for entertainment. During my inspection, I saw that there was no designated dance floor in the bar area. Condition # 3, of their Entertainment Permit, limits patron dancing to a 140 square foot dance floor that is suppose to be marked. There was not marked dance floor and patrons were allowed to dance throughout the bar area, well beyond the designated area.

I also saw that entertainment and dancing was allowed in the dining area of the restaurant. The

## Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

dining area had many of its tables moved to create room for patrons. Patrons were allowed to dance in the dining area, in violation of Condition # 3, of their Entertainment Permit. I also saw that entertainment, in the form of two pole dancers (two females dancing around poles set up on a raised stage), and a drummer. Condition # 1, of their Entertainment Permit, limits entertainment in the dining area to piano bar or performer only and that entertainment is not allowed past 2100 hours. Condition # 2, of their Entertainment Permit, also limits the dining area to one performer, not three as witnessed by Officer BURTON and myself.

While we were conducting our inspection, I met with Tran VU, whom I know as one of the owners of the restaurant. VU said that one of his managers hired an outside promotion company and he came by the restaurant to see how things were going. VU said that he was not aware that this event was going to be a big as it was and was unaware that they were in violation of many of their conditions. I had VU provide me with his Entertainment Permit and ABC License, which he did. VU and I went over each line of these permits together.

VU admitted that they were above occupancy and told me that the maximum occupancy was 250 patrons. I asked VU how many patrons he thought were inside his restaurant, and he only replied by saying more than 250. I also told VU that I could not find his occupancy number that is suppose to be posted inside the restaurant, and he told me he did not know where it was. I asked him if it was taken down for this event and he did not answer.

I pointed out to VU the above violations and he admitted that his restaurant was in violation of these conditions. VU said that this was the first event held at his restaurant with this promoter and was not sure how it would turn out. When I pointed out that his ABC License prohibited the use of outside promoters, he told me that he was not aware of this. I had VU read this condition and he admitted that he was in violation. He also admitted that the marked dance floor was removed, and that entertainment was allowed in the dining area after hours.

As I was talking to VU, I looked at my watch and saw that was 0140 hours on the morning of 04-02-06. Entertainment was continuing in the restaurant past 0100 hours. I had VU read this part of his permit and he admitted that entertainment was allowed beyond the time allowed.

I explained to VU that I was conducting an inspection for their six-month review for the previous suspension. He said that he was aware that they were coming up on their six-month review. I asked him why he allowed these violations, and he only shook his head back and forth, and said that he was sorry.

I told VU that I would be forwarding this information to Detective SMILEY and the City of Huntington Beach Planning Department. I told VU that they would decide how they would handle

# Incident / Investigation Report

Juntington Beach Police Department

OCA: 2006-006075

Officer's Narrative (continued)

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (420260) KRAUSE, ERIK M

Supervisor Signature

these violations.

I did no further investigation.

## Incident / Investigation Report

Huntington Beach Police Department

OCA: 2006-006075

Officer's Supplement

Officer 117

Date / Time Reported SA Apr 1, 2006

23:30

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY



presents *Cliche*

every Saturday  
launching

**April 1, 2006**

**3X** music by

**Andre & Howie**

Erotic Dancers & Ladies of the Night  
Special Live Performances

*parisian red light district*

**3 Rooms  
of Pleasure**

**UPSCALE ATTIRE**

For table & bottle service,  
contact **Lorna X**  
714.679.8392

**Le Petit Paris**  
10142 Adams Ave  
(corner of Brookhurst)  
Huntington Beach, CA

*Cliche*

a Saturday alternative to your  
regular Saturday routine



**Launching  
Saturday April 1st 2006**

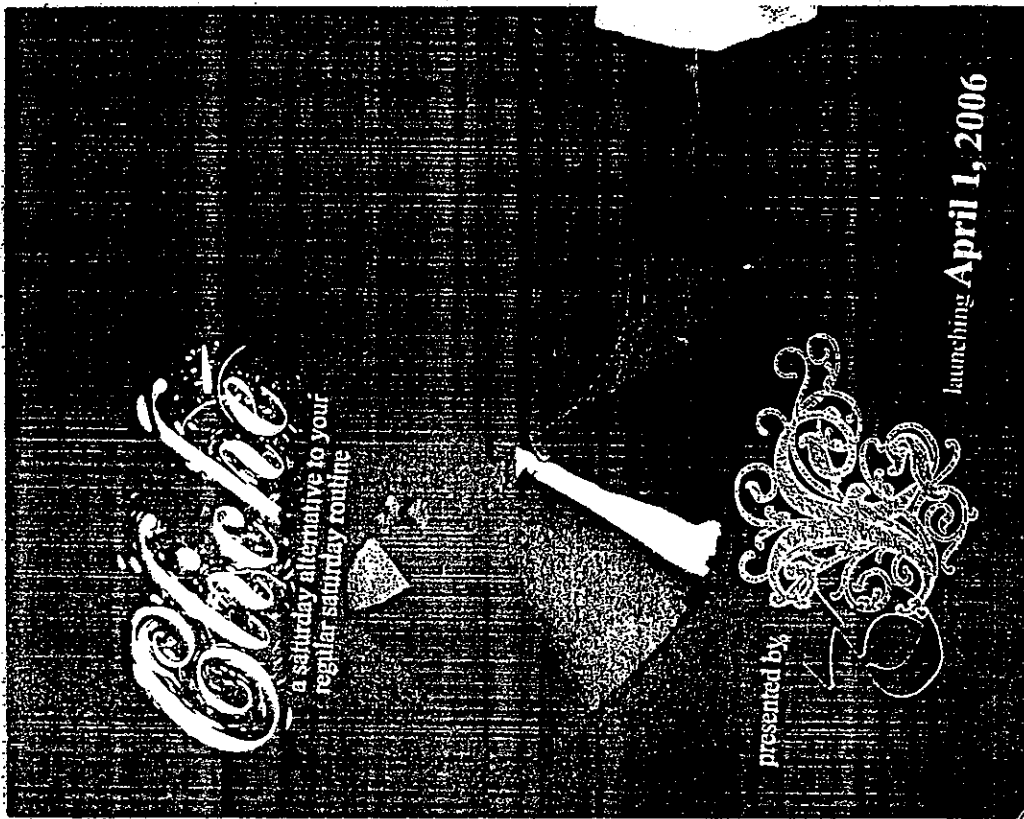
*parisian red light district*



**Le Petit Paris**  
10142 Adams Ave  
(Corner of Brookhurst)  
Huntington Beach, CA

**UPSCALE ATTIRE**









## CITY OF HUNTINGTON BEACH

### INTER-DEPARTMENT COMMUNICATION

TO: Howard Zelefsky, Director, Planning Department

FROM: Kenneth W. Small, Chief of Police

SUBJECT: Le Petite Paris, Conditional Use Permit Review

DATE: April 17, 2006

City of Huntington Beach  
APR 17 2006

During the late evening of April 1, and the early morning of April 2, 2006, the police department conducted an inspection at Le Petite Paris, 10142 Adams Avenue, Huntington Beach. The inspection revealed numerous violations of the Entertainment Permit, the Conditional Use Permit for dancing and the ABC License. The violations are summarized below, and a copy of the police report and Entertain Permit are attached for your review.

- Audible music from inside the location could be heard approximately 200 feet from the restaurant. This is a violation of the Entertain Permit and the Huntington Beach Municipal Code.
- There was only one security guard in the parking lot, and he told the officers he was the only guard hired by the restaurant. The Entertain Permit requires two security guards in the parking lot.
- An outside promotion company was being used for the entertainment and a cover charge was being collected from males entering the location. This is a violation of the ABC License.
- Dancing was allowed outside the 140 square foot area established by the Conditional Use Permit and the dance floor was not properly marked. These are violations of both the Conditional Use Permit and the Entertainment Permit.
- Entertainment and dancing were allowed in the dining area of the restaurant. There is no dancing allowed in the dining area, and the entertainment was restricted to a piano player. These are violations of both the Conditional Use Permit and the Entertainment Permit.
- Entertainment was occurring in the dining area and lounge at 0140 hours. The Entertainment Permit authorizes entertainment in the dining area through 2100 hours and entertainment in the lounge through 0130 hours.

During the inspection, the officers observed that the occupancy of the restaurant was about 450 people. The maximum occupancy established for the location is 250. Vu Tran, who is listed as one of the owners of the location, was at the location. He met with the officers and acknowledged the violations listed in the police report.

On April 9, in the early morning hours, a resident who lives near Le Petite Paris contacted the police department regarding noise from the location. Officers responded to the location, and

ATTACHMENT NO. 6.1

Howard Zelefsky, Director, Planning Department  
Subject: Le Petite Paris, Conditional Use Permit Review  
April 17, 2006  
Page 2

they could hear music coming from inside the location from about 200 feet away. This is a violation of the Entertainment Permit and the Municipal Code.

The current Entertain Permit at Le Petite Paris was issued in November 2005. This permit was issued subsequent to the conditional approval of the Conditional Use Permit No. 05-08 to allow dancing at Le Petite Paris. The Planning Commission established a review with a public hearing in "approximately six (6) months following the issuance of a new or amended Entertainment Permit License authorizing dancing." Between November 2005 and April 2006, there were no calls for police service at Le Petite Paris related to noise or other matters that would be a violation of either the Entertainment Permit or the Conditional Use Permit. The police department plans to issue civil citations to the Le Petite Paris based on the observations made by police officers on April 2 and April 9.

Based on a review of the history of calls for services, complaints and violations related to Le Petite Paris, it is recommended that the Planning Commission revoke the Conditional Use Permit that authorizes dancing at this location. The owners/managers of the location have demonstrated over a period of time that they are either unwilling or unable to comply with the conditions established by the city and the Department of Alcoholic Beverage Control. It is very likely that allowing dancing to continue at the location will result in both an increase in police calls for service and more importantly a disturbance to the residents who live in close proximity to the location.

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

RECEIVED

OCT 16 2001

File: 47-378238

Dept. of Alcoholic Beverage Control  
Santa Ana

Reg:

**PETITION FOR  
CONDITIONAL  
LICENSE**

In the Matter of the Application of:

Club Moulin Rouge LLC

DBA: Moulin Rouge

10142 Adams Ave

Huntington Beach CA 92646

For issuance of an On-Sale General Public Eating Place License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the local policing agency has expressed an objection to the transfer of the applied-for license without the below-listed conditions; and,

WHEREAS, the aforementioned objection is based on the police problems which exist within the applicant-premises; and,

WHEREAS, the undersigned applicant(s) is/are desirous to allay the policing agency's concerns; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals; and,

NOW THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

01. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee(s) provide, permit or make available, either gratuitous or for compensation, male or female patrons who act as escorts, companions or guests of and for the customers.
02. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
03. Petitioner(s) shall make no changes to the premises interior without prior written approval from the Department.
04. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

INITIALS: 

ABC-172 (2/00)

ATTACHMENT NO. 7.1

05. No pool or billiard tables may be maintained on the premises.
06. All exterior doors shall remain closed during hours of entertainment except to permit patron ingress and egress, to permit deliveries and in case of emergency
07. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.
08. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 48 hours of being applied.
09. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.
10. There shall be no coin operated games or video machines maintained upon the premises at any time.
11. The interior of the premises shall be equipped with lighting sufficient power to illuminate and make easily discernible the appearance and conduct of all persons in or about the premises.
12. Food from the regular menu shall be available to patrons up until one (1) hour prior to closing.
13. Petitioner(s) shall not share any profits or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or the sale of drinks.
14. Trash shall not be emptied into outside trash containers between the hours of 8:00 PM and 10:00 AM.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 10-10-01 DAY OF October, 2001.

Bill Shan  
Applicant/Petitioner

\_\_\_\_\_  
Applicant/Petitioner



**California Department of Alcoholic  
Beverage Control**  
*License Query System Summary  
as of 4/5/2006*

<b>License Information</b>	
License Number: 378238	Status: ACTIVE
Primary Owner: CLUB MOULIN ROUGE LLC	
ABC Office of Application: SANTA ANA	
<b>Business Name</b>	
Doing Business As: LE PETIT PARIS	
<b>Business Address</b>	
Address: 10142 ADAMS AVE	Census Tract: 0992.16
City: HUNTINGTON BEACH	County: ORANGE
State: CA	Zip Code: 92646
<b>Licensee Information</b>	
Licensee: CLUB MOULIN ROUGE LLC	
<i>Company Officer Information</i>	
Officer: ASIA QUEST LLC, MANAGING MEMBER	
Officer: TRAN VU LE, PRESIDENT	
Officer: PHAM ANHBANG BILL, VICE PRESIDENT	
<b>License Types</b>	
1) License Type: 47 - ON-SALE GENERAL EATING PLACE	
License Type Status: ACTIVE	
Status Date: 09-OCT-2004	Term: 12 Month(s)
Original Issue Date: 25-MAR-2002	Expiration Date: 28-FEB-2007
Master: Y	Duplicate: 0      Fee Code: P40
Condition: OPERATING RESTRICTIONS	
License Type was Transferred On:	From: 336334
2) License Type: 30 - TEMPORARY PERMIT	
License Type Status: ISSUE	
Status Date: 27-JUN-2001	Term: 0 Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 0      Fee Code: NA
3) License Type: 30 - TEMPORARY PERMIT	
License Type Status: ISSUE	
Status Date: 27-JUN-2001	Term: 0 Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 0      Fee Code: NA

<b>Current Disciplinary Action</b>
... No Active Disciplinary Action found ...
<b>Disciplinary History</b>
... No Disciplinary History found ...
<b>Hold Information</b>
... No Active Holds found ...

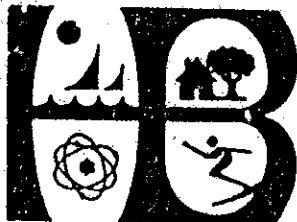
--- End of Report ---

For a definition of codes, view our [glossary](#).

## **ATTACHMENT NO. 8**

### **SUGGESTED ADDITIONAL CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-08**

1. The site plan and floor plan received and dated September 7, 2005 shall be the conceptually approved design.
2. The limits of the proposed 140 sq. ft. dance floor shall be clearly delineated. The applicant shall submit a plan indicating the proposed means of delineation for review and approval by the Planning Department, prior to the commencement of dancing.
3. A review of the use shall be conducted by the Planning Commission with a public hearing approximately six (6) months following the issuance of a new or amended Entertainment License authorizing dancing, to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.
4. **Only the uses described in the applicant's project narrative, received and dated June 16, 2005 shall be permitted.**
5. **The use shall comply with all conditions of the Entertainment Permit as approved by the Police Department.**



## Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

August 28, 1998

Hanh To  
Moulin Rouge Restaurant  
10142 Adams Avenue  
Huntington Beach, CA 92646

**SUBJECT:** CONDITIONAL USE PERMIT NO. 98-39 (Moulin Rouge Restaurant - Live Entertainment)

**PROPERTY**  
**OWNER:** Business Properties  
17631 Fitch Avenue  
Irvine, CA 92704

**REQUEST:** To permit live entertainment in conjunction with an existing restaurant and lounge.

**LOCATION:** 7862 Warner Avenue (southwest corner of Warner Avenue and Beach Blvd. - Plaza Center)

**DATE OF**  
**ACTION:** August 25, 1998

Your application was acted upon by the Planning Commission of the City of Huntington Beach on , August 25, 1998, and your request was Conditionally Approved. Attached to this letter are the Findings and Conditions of Approval for this application.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan reflecting conformance to all Zoning and Subdivision Ordinance requirements.



Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal; it shall also be accompanied by a filing fee. The appeal fee is \$500.00 for a single family dwelling property owner appealing the decision on his/her own property. The appeal fee is \$1,490.00 for all other appeals.

In your case, the last day for filing an appeal and paying the filing fee is September 4, 1998.

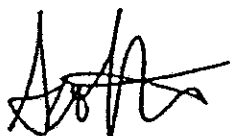
Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

If there are any further questions, please contact, Joe Thompson, Planner at (714) 536-5271.

Sincerely,

Howard Zelefsky, Secretary  
Planning Commission

by:



Scott Hess, AICP  
Senior Planner

xc: Property Owner

Attachment: Findings and Conditions of Approval

## FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT NO. 98-39

#### FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 98-39:

1. Conditional Use Permit No. 98-39 for the establishment of live entertainment within an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because this use is consistent with the zoning designation of Commercial General; it is buffered from residential properties by commercial uses and structures and a major arterial roadway; and noise associated with live entertainment will be contained within the building and restricted to specific hours.
2. The conditional use permit will be compatible with surrounding uses because; a) other commercial uses surround the project site including other restaurants and a movie theater; b) the closest residential use is over 175 feet away and is buffered by other commercial uses; and c) the expanded use will not generate significant noise impacts.
3. The proposed use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. Commercial zoning allows live entertainment with approval of a Conditional Use Permit from the Planning Commission.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG (Commercial General) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan;
  - a. Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.
  - b. Goal LU 10: Achieve the development of a range of commercial use.
  - c. Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of the local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

#### CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 98-39:

1. The site plan, floor plans and elevations received and dated May 26, 1998 shall be the conceptually approved layout.

2. The use shall comply with the following:
  - a. All conditions of the Entertainment Permit. (PD)
3. Prior to submittal for building permits, the applicant shall obtain all necessary Fire Department permits and comply with all provisions of Article 32 of the Uniform Fire Code. Application for Fire Department permits shall include a layout and circulation plan which shall be approved by the Fire Department. (FD)
4. The Community Development Director ensures that all conditions of approval herein are complied with. The Community Development Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Community Development Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS:**

1. Conditional Use Permit No. 98-39 shall not become effective until the ten-day appeal period has elapsed.
2. Conditional Use Permit No. 98-39 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Department of Community Development a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 98-39, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Huntington Beach Zoning Subdivision Ordinance, Building Division, Fire Department, and the Huntington Beach Municipal Code, including Chapter 8.40, Noise Control
5. The applicant shall submit a check in the amount of \$38.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County Of Orange and submitted to the Department of Community Development within two (2) days of the Planning Commission's action.



10142 Adams Avenue  
Huntington Beach, CA 92646

April 17, 2006

City of Huntington Beach  
APR 18 2006

City of Huntington Beach  
Planning Commission  
Planning Department  
2000 Main Street  
Huntington Beach, CA 92648

Re: Le Petit Paris CUP Review

Dear Honorable Members of the Planning Commission:

I had the opportunity to attend your Study Session regarding the review of our Conditional use Permit on Tuesday, April 11 and was able to hear the questions and concerns you had regarding the entertainment and management of Le Petit Paris. I am writing, not to make excuses for the decisions of my managers, but with the intent of providing you with some back ground information which you could further inquire at the hearing regarding the entertainment being provided at our establishment.

First, I would like to note that for six (6) months we had operated every night without any incident or complaint. I hope this fact helps to confirm to you that we were in fact doing everything that we had represented to you back in October 2005. As you had questioned at the Study Session, with such a record it would seem extremely foolish for us to do something out of the ordinary to ruin it. However, as Murphy's law would have it, my staff did exactly that.

On this past April 1<sup>st</sup> my staff obviously took a wrong turn and held an event which was never a part of our entertainment plan. Not to make excuses for the "bonehead" head decisions of my managers, but to give you insight into the decision making process, my managers informed me that they had set out to contract with an event coordinator/promoter to reserve special events such as birthdays, anniversaries and engagement parties for a young upscale clientele group. The managers were told that they had 3 birthday parties and one engagement party booked for Saturday, April 1<sup>st</sup>. I am told that substantially all of the customers that night were at our place to attend one of those parties. I was further informed that the go-go dancers were requested for and paid by the engagement party, not our establishment. Again, I relay these facts not to excuse the bad decisions of my staff, but to give you insights to the fact that we had *not* set out to provide this type of entertainment and that this was just a single isolated incident that will not occur again.

With respect to the promotional flyers that were created by the outside event coordinator/promoter, I would like to note that these flyers were *not* created by our managers and were *not* authorized by anyone at Le Petit Paris. I have emphasized to the managers that they should have also took appropriate actions to stop the dissemination of such flyers. My managers have requested that all such promotional materials be discarded immediately. I can further inform you that my staff has strict instructions to terminate all such events, which by the time of the hearing, I am confident you will have confirmation of same.

ATTACHMENT NO. 10.1

With respect to properly marking the boundaries of the dance floor, while there was a discussion at the October hearing regarding changing the tiles on the dance floor to mark-off the boundaries of the dance floor, some Commissioners also noted that changing the floor tiles may be very expensive and unnecessary. The Commissioners then agreed that we could decide on the method for marking-off the dance floor, including using color tape to identify such boundaries. We studied the issue and decided that white tape which could glow in the dark would be the best way to make such delineation most visible. We ordered and installed such markings on the dance floor. Unfortunately, they were all removed by the event coordinator/promoter and my staff did not have the insight to replace such markings. Since the glow tape must be ordered, the dance floor is currently marked with color tape until our new supply comes in.

I hope this letter addresses some of the issues which you had found puzzling. I am sure you will have more questions and I look forward to addressing them at the hearing.

Very truly yours,



Bill Pham,  
Owner

cc: Mr. Howard Zelefsky  
Mr. Ron Santos  
Chief Kenneth Small





# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

May 2, 2006

Vu Tran, Owner  
Le Petit Paris  
10142 Adams Avenue  
Huntington Beach, CA 92646

**RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE**

**RD: 3930**

Dear Vu Tran:

All Occupancies within Huntington Beach must meet the requirements of the Huntington Beach Fire Code. Recently, a member of the Huntington Beach Fire Department received notification of noncompliance with the Fire Code as follows:

**Huntington Beach Fire Code Section 105.8- Permits.** A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions: **p.2. Places of assembly & c.1. Candles and open flames in assembly areas.**

**Huntington Beach Fire Code Section 105.2.3 – Compliance with Permits.** Permit applicants and the applicants' agents and employees shall carry out the proposed activity in compliance with this code and other laws or regulations applicable thereto, whether specified or not, and in complete accordance with approved plans and specifications. Permits, which purport to sanction a violation of this code or any applicable law or regulation, shall be void and approvals of plans and specifications in the issuance of such permits shall likewise be void.

**Corrective Action:** It has come to the attention of the Huntington Beach Fire Department that your fire department permit for Moulin Rouge Restaurant expired on January 21<sup>st</sup> 2006, and a current permit is not on file for Le Petit Paris. According to your most recent Certificate of Occupancy, the occupancy load for your establishment is **250 persons** and your Occupancy Classification is **A3**.

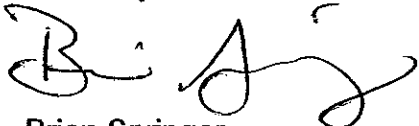
Apply for and obtain a fire permit for **p.2. Places of assembly & c.1. Candles and open flames in assembly areas** through the City of Huntington Beach Fire Department business office located on the fifth floor of City Hall, 2000 Main Street, Huntington Beach. Once obtained, keep the permit copy in an accessible location.

You, or your agent, must apply in person at city hall, located at 2000 Main Street. Please obtain, complete and sign the application by the due date at the bottom of this notice.

This letter is a Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **May 9<sup>th</sup>, 2006 at 5:00 PM**. An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$286.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation or revocation of your fire department permit(s).

If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

Sincerely,



Brian Springer  
Fire Protection Specialist

c: Occupancy File #0919  
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department  
Ron Santos, Associate Planner





# City of Huntington Beach Fire Department

2000 Main Street  
Huntington Beach, California 92648  
Phone (714) 536-5411 Fax (714) 374-1551

## FIRE DEPARTMENT AUTHORIZATION

04-26-2006

(This Fire Department receipt must be posted on the premises)

~~MOULIN ROUGE RESTAURANT~~  
MOULIN ROUGE RESTAURANT  
10142 ADAMS AV  
HUNTINGTON BEACH CA 92646

SUITE#

Issue Date: 1/21/1998

Expiration Date: ~~1/21/2006~~

(714) 593-3346

PERMITTEE: MOULIN ROUGE RESTAURANT  
LOCATION: 10142 ADAMS AV

FP Master File #

919

Grid # 3920

Occupancy Type: A3

As per Article 4 of the Huntington Beach Fire Code and Resolution No. 96-51, an authorization form is issued to the owner of the business for an annual maintenance inspection for hazardous processes, assembly occupancies and special events. This authorization constitutes a receipt and permission to maintain, store, use or handle materials, occupy assembly areas, conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code.

Fire Department authorizations shall not be transferable and any changes in use, occupancy, operation or ownership shall require a new permit application. All authorizations are valid for a period of one year, unless otherwise indicated, and must be renewed prior to expiration. This form shall serve as receipt of fees applied for the inspection, maintenance and processing of this authorization.

Permit No: 885319068

### Permit Type

- P2 Places of Assembly, to operate a public assembly
- C1 Candles and open flames in assembly areas, to use these devices

MAXIMUM OCCUPANT LOAD NOT TO EXCEED 250.

4/26/06 VM 1411 AM VM 1700 Person VM (e-mail sent also)  
VM Box full 4/26/06 1700

ISSUED BY: \_\_\_\_\_ Huntington Beach Fire Department

ATTACHMENT NO. 3.12



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

FIRE DEPARTMENT

CALIFORNIA 92648

May 10, 2006

*City of Huntington Beach*

**MAY 11 2006**

Vu Tran, Owner  
Le Petit Paris  
10142 Adams Avenue  
Huntington Beach, CA 92646

**RE: FIRE CODE VIOLATIONS AT 10142 ADAMS AVENUE**

**RD: 3930**

Dear Vu Tran:

All Occupancies within Huntington Beach must meet the requirements of the Huntington Beach Fire Code. Recently, a member of the Huntington Beach Fire Department received notification of continued noncompliance with the Fire Code as follows:

**Huntington Beach Fire Code Section 105.8- Permits.** A permit shall be obtained from the bureau of fire prevention prior to engaging in the following activities, operations, practices or functions: **p.2. Places of assembly & c.1. Candles and open flames in assembly areas.**

**Huntington Beach Fire Code Section 105.2.3 – Compliance with Permits.** Permit applicants and the applicants' agents and employees shall carry out the proposed activity in compliance with this code and other laws or regulations applicable thereto, whether specified or not, and in complete accordance with approved plans and specifications. Permits, which purport to sanction a violation of this code or any applicable law or regulation, shall be void and approvals of plans and specifications in the issuance of such permits shall likewise be void.

**Corrective Action:** It has come to the attention of the Huntington Beach Fire Department that your fire department permit for Moulin Rouge Restaurant expired on January 21<sup>st</sup> 2006, and a current permit is still not on file for Le Petit Paris. According to your most recent Certificate of Occupancy, the occupancy load for your establishment is **250 persons** and your Occupancy Classification is **A3**.

Apply for and obtain a fire permit for **p.2. Places of assembly & c.1. Candles and open flames in assembly areas** through the City of Huntington Beach Fire Department business office located on the fifth floor of City Hall, 2000 Main Street, Huntington Beach. Once obtained, keep the permit copy in an accessible location.

You, or your agent, failed to apply in person at city hall, located at 2000 Main Street to obtain, complete and sign the application by the due date at the bottom of the previous notice (May 9, 2006) as required.

You, or your agent, are required apply for your permit in person, at city hall, located at 2000 Main Street. Please obtain, complete and sign the application process by the due date at the bottom of this notice.

**NOTICE OF CITATION:** A civil citation (#59459) is hereby issued for failing to comply with a past violation notice requiring you or your agent to obtain a valid permit for operating an assembly occupancy, and use of candles, within an assembly occupancy prior to the due date.

This letter is a second Notice of Violation. You are hereby ordered to correct the violations, as noted above, on or before **May 16<sup>th</sup>, 2006 at 5:00 PM**. An inspection will be made, following this time, to assure all corrections have been completed. **ALL CORRECTIONS MUST BE COMPLETED OR A \$284.00 REINSPECTION FEE MAY BE CHARGED.** Failure to correct the violations may also result in the issuance of an Administrative or Criminal Citation or revocation of your fire department permit(s).

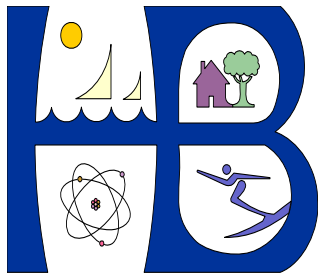
If you have any questions regarding this matter, please contact me at the Fire Prevention Division at 714-536-5420.

Sincerely,



Brian Springer  
Fire Protection Specialist

c: Occupancy File #0919  
David McBride, Deputy Fire Marshal – Huntington Beach Fire Department  
Eric Engberg, Fire Marshal – Huntington Beach Fire Department  
Ron Santos, Associate Planner



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 28, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**      *P*      *P*      *P*      *P*      *P*      *P*      *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

### AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOOD TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 28, 2006, BY THE FOLLOWING VOTE:

AYES:            Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
NOES:            None  
ABSENT:        None  
ABSTAIN:        None

### MOTION APPROVED

#### **A.    PROJECT REVIEW (FUTURE AGENDA ITEMS) :**

##### **A-1. GENERAL PLAN AMENDMENT NO. 05-02/ZONING TEXT AMENDMENT NO. 05-04/ZONING MAP AMENDMENT NO. 05-02 (EDINGER CORRIDOR SPECIFIC PLAN)– Rosemary Medel**

Rosemary Medel, Associate Planner, advised of late communications received from Caltrans, Weber Consulting, and Stanley Smalewitz, Director of Economic Development for the City of Huntington Beach.

Dingwall gave direction to the members of the public as to how the study session portion of the meeting works and that there will not be any interaction between the Commissioners and the public.

Commissioner Ray inquired if staff has responded to the late communications as of yet. Staff advised there was a brief response.

##### **A-2. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE (EAC) DECISION TO PROCESS MITIGATED NEGATIVE DECLARATION NO. 04-10 (HOME DEPOT) – Ron Santos**

Santos provided an overview of the proposed project and the Environmental Assessment Committee's determination with respect to the Draft Mitigated Negative

Declaration. He stated that the Planning Commission could direct staff to have an Environmental Impact Report prepared. He advised the reports stated that the project would not have a negative impact on the environment; however, the Planning Commission would have a final determination on the environmental impacts on the project.

Discussion ensued regarding the application process. Mulvihill explained that the Planning Commission is to either approve continued processing of the Draft Mitigated Negative Declaration or require an Environmental Impact Report. If the decision of the EAC is not overturned by majority vote of the Planning Commission, the original EAC would stand.

Livengood advised his areas of concern which include: Traffic, noise and trucks entering and exiting the loading dock; noise study comparisons of Home Depot versus Kmart; and placement of loading docks.

Dwyer asked what studies were completed for the Walmart store. Staff advised a full Environmental Impact Report was prepared.

Dingwall questioned the distance between the north property line of the proposed project and the homes on the north side of Garfield.

Scandura and Burnett asked about conditions that could be set forth in the CUP prior to approval regarding noise issues and loading dock placement. Santos stated that the Planning Commission could impose conditions prior to issuance.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland**

Herb Fauland reviewed late communications received on Public Hearing Item No. B-1.

**D. PLANNING COMMISSION COMMITTEE REPORTS - NONE**

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):**

Anthony Gaynair, resident, spoke in opposition of the Home Depot item. He advised he submitted a letter regarding items of inadequacy such as the traffic study. He suggested a car count study be conducted.

Britt Klingberg, resident, spoke in opposition to the Home Depot item. He stated he would be submitting paperwork describing problems with the traffic analysis, the pedestrian study, comparison of Kmart to Home Depot, and the air quality study.

Kathy Klingenberg, resident, spoke in opposition to the Home Depot item. She discussed issues she felt were not adequately addressed such as: Child safety crossing at Magnolia and Hyde Park Dr.; time and day of week the pedestrian and child crossing study conducted; and the potential for day laborers gathering in a nearby park as the parking lot of Home Depot will be within 200 feet of the park.

Richard Pool, President of Associated Traffic Engineers, spoke on behalf of Home Depot. He advised he prepared the traffic analysis report and then proceeded to explain how it was prepared. He stated the size increase of the new store was considered and the analysis was based on the traffic volume of Kmart in 2004 and then was increased with the additional traffic volume of an already existing Home Depot store.

Donald Ballanti, Air Pollution Meteorologist and author of the Air Quality Study for the Home Depot project. Mr. Ballanti referred to items in the report regarding diesel exhaust from mobile sources such as trucks. He advised there would be a relatively low number of trucks delivering and idling in the area. He also stated that there is a state law allowing a maximum of two minutes of idling per truck at any given time.

Paul Ballard of Ballard Acoustical, spoke on behalf of Home Depot. Stated he worked on the noise assessment report and directed Commissioners to review the study and analysis as it met city standards and noise level limits.

Scott Mommer of Home Depot, advised that he reviewed the traffic on site while vacant and at an existing Home Depot store and stated that the site will meet city standards.

Mike Joyce, attorney for Home Depot, expressed that Home Depot does understand the concerns of residents regarding noise and traffic; however, his client is concerned over the length of time the approval of the project is taking. He urged the Commission to move forward with the conditional use permit process, addressing issues as they come, while also moving ahead in the CEQA process.

Marice White, representative for Home Depot, reviewed all the effort that has been put forth by Home Depot regarding resident's concerns. She suggested the CUP process move forward and address any issues of concern as they arise.

Eric Brenn, representative of Hyde Park Business Center, spoke in favor of the Home Depot project. Ms. Brenn pointed out the positives of adding another Home Depot to the city and the financial benefits to the immediate area.

Harry Moore, Home Depot project Technical Engineer, stated he conducted a detailed study of the site regarding vibration and suggested approval of the project.

**F. PLANNING COMMISSION COMMENTS:**

Horgan requested information regarding the school pedestrian traffic study.

Livengood suggested that a new pedestrian study be conducted.

Burnett questioned the traffic study and the baseline used in the analysis.

Ray stated that he did not take the appeal of the Environmental Assessment Committee's decision on the Home Depot lightly and this is not a filibuster. He stated that suspect information in the draft had caused him to appeal the decision.

Dwyer questioned why Home Depot hasn't made suggested design modifications to their plans now and averted the many issues expressed this evening.

**6:45 P.M. – RECESS FOR DINNER**

**7:20 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Chair Dingwall

**ROLL CALL:**        *P*        *P*        *P*        *P*        *P*        *P*        *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY RAY, SECONDED BY DINGWALL, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 28, 2006, BY THE FOLLOWING VOTE:**

**AYES:**            Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**           None  
**ABSENT:**        None  
**ABSTAIN:**      None

**MOTION APPROVED**

**A.    ORAL COMMUNICATIONS:**

Ruth Johnson, resident, requested an exemption for a Conditional Use Permit regarding her home day care business due to potential financial difficulty. She advised the business has been in operation for 18 years and she has not been required to have a permit in the past.

Discussion ensued regarding the conditional use permits required for home daycare.

**B.    PUBLIC HEARING ITEMS**

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1. GENERAL PLAN AMENDMENT NO. 05-02/ ZONING MAP AMENDMENT NO. 05-02/ ZONING TEXT AMENDMENT NO. 05-04 /MITIGATED NEGATIVE DECLARATION NO. 06-01 (EDINGER CORRIDOR SPECIFIC PLAN).** **Applicant:** City of Huntington Beach. **Request:** 1) **GPA:** To amend the City's General Plan Land Use Element by changing the existing land use categories within the project area from Commercial Neighborhood (CN), Commercial General (CG), Commercial Regional (CR), Mixed Use Vertical (MV) and Public (P) to a Mixed Use – Specific Plan Overlay (M-sp) designation; and to amend the General Plan Circulation Element Figure CE-3 to change the Gothard Street designation within the project area between Edinger Avenue and Mc Fadden Street from Major Arterial (120 foot right-of-way) to Primary Arterial (90 foot right-of-way). 2) **ZMA:** To amend the City's Zoning Map by changing the Commercial Neighborhood (CN), Commercial General (CG), General Industrial (IG), Residential Medium High (RMH) Density and Residential Low Density (RL) zoning designations within the project area to "SP 14" (Edinger Corridor Specific Plan). 3) **ZTA:** To adopt SP 14 (Edinger Corridor Specific Plan) that will regulate the land uses and development standards for the 242 acre area. 4) **MND:** To adopt a Mitigated Negative Declaration that addresses the potential environmental impacts associated with the

adoption of the Specific Plan. **Location:** 242 acre site generally bounded by Goldenwest Street to the west and Beach Blvd. to the east and the north and south sides of Edinger Ave. – excluding Bella Terra). **Project Planner:** Rosemary Medel

**STAFF RECOMMENDATION:** Motion to: “Approve General Plan Amendment No. 05-02/Zoning Map Amendment No. 05-02/Zoning Text Amendment No. 05-04 /Mitigated Negative Declaration No. 06-01 (Edinger Corridor Specific Plan) with suggested findings and conditions of approval and forward to the City Council.”

The Commission made the following disclosures:

- Commissioner Dwyer visited the site, spoke with staff
- Commissioner Scandura is familiar with the site and spoke with Mr. Adams, Harlow, staff and Commissioner Horgan
- Commissioner Dingwall advised he has visited the site numerous times over 40 years and spoke with staff and Commissioner Livengood.
- Commissioner Livengood visited the site and spoke with staff, Mr. Adams and Mr. Harlow.
- Commissioner Horgan visited the site and spoke with Commissioners Scandura and Ray.
- Commissioner Burnett has visited the site many times over decades and spoke with staff, Mr. Adams and Harlow.
- Commissioner Ray has visited the site on numerous occasions and spoke with Commissioners Livengood, Dingwall and staff.

Ken Ryan of EDAW gave an updated presentation of the proposed project that included the following: Image of “Gateway” to the City; land use: mixed use, commercial and public; improvements on current business properties; parking access and circulation; energy conservations; density; landscape architecture; cosmetic enhancement; and a logo and signature style for the project as a whole.

Medel stated that the adoption of the Specific Plan would require a general plan amendment to change the land use map for the area to mixed use. The project would strengthen the Edinger Corridor area and compliment Bella Terra. Staff believes the ECSP is consistent with the General Plan and Economic Development and Housing Elements.

Three late communications were introduced by Medel: 1) Caltrans Impacts/Provisions letter dated February 27, 2006; 2) Memo from Stanley Smalewitz, Director of Economic Development for the City of Huntington Beach, regarding the participation of Goldenwest College in the project and a proposed Economic Action Plan; 3) Letter from Weber Consulting on behalf of Freeway Industrial Park.

Medel also mentioned the community meeting which was held on February 9, 2006, where issues were discussed including underground utilities, funding of improvements, and the participation of Golden West College in the project.

Staff recommended opening the public hearing for comments and allowing a 30-day response time for the public to comment on the draft document.

Discussion ensued regarding the following issues: Street widening; mixed use; necessity of an Environmental Impact Report; sidewalks and pedestrian traffic; involvement of Golden West College; types of residential areas; and structural height limitations.



**THE PUBLIC HEARING WAS OPENED.**

James Burgard, owner at Old World, expressed his views regarding mixed use projects. He stated that it does not work well at Old World and creates excessive traffic in the area. He suggested building on to Bella Terra vice mixed use within this project.

Irene Barkai, business owner at Gothard/Center, voiced her concern with regards to the reduction in size of Gothard. She stated it would reduce traffic, therefore, reducing patronage to her business. She feared that the grandfathering of her business via zoning changes would not exist in the future.

Mike Adams, resident, recommended continuing the item at least 60 days. He stated the plan doesn't include a phasing plan and would like more clarification on the zoning. He suggested creating a pool of developments for the area. He would also like more dialog between the property and business owners and the Planning Commissioners.

Steve Dodge, Huntington Executive Park, stated that the plan should not be based on a ten-year-old general plan and suggested updating the Specific Plan for the area.

Gary Weber, Freeway Industrial Park, thanked the staff and EDAW for their clarification of the project. He recommended continuing the project for another 60 days to allow for more dialog between the owners and the Commission. His primary concerns are statistical and advised of an error in the size of the area. He would like the plan to be clearer as to what is expected of the landowners and developers.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Discussion of the project ensued with Chair Dingwall recommending a continuance of no less than 60 days.

Livengood also recommended continuing the item and requested minutes from previous workshops regarding the project. He also added some areas that need to be reviewed including: Logo/identity for the area; design guidelines for loading and delivery area; refuge and storage; traffic studies; flora; and incentives for property owners.

Livengood motioned to continue the item to 90 days in the future and to schedule two public workshops and one Planning Commission workshop.

With input from the other Commissioners, Ray proposed the following items be addressed before the next meeting:

- Expansion of the plan
- Create incentives for owners with regards to: FAR; Public Improvement Funding; and more mixed use possibilities
- Discussion with Golden West College representatives regarding future development
- Consideration of energy utilization designs and native landscaping
- More clarity regarding the theme of the area (The Edge)
- Coordination with Bella Terra
- More specific uses and development standards giving better direction
- Gothard Industrial Center

- Request copies of workshop minutes from 1998-2000
- Infrastructure items as submitted by Commissioner Livengood:
- Phasing timeline for infrastructure
- Vehicular and pedestrian orientation
- Redevelopment Plan boundaries concurrence with Edinger Corridor Specific Plan
- Westminster Triangle purchase
- Reformatting development standards by land use categories as addendum

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO CONTINUE GENERAL PLAN AMENDMENT 05-02/ZONING MAP AMENDMENT 05-02/ZONING TEXT AMENDMENT 05-04/MITIGATED NEGATIVE DECLARATION 06-01 TO JUNE 27, 2006, WITH PROPOSED AMENDMENTS BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

**C. CONSENT CALENDAR**

**C-1. PLANNING COMMISSION MINUTES DATED JANUARY 24, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the January 24, 2006, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO APPROVE THE JANUARY 24, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**D. NON-PUBLIC HEARING ITEMS – None.**

**E. PLANNING ITEMS**

**E.1. CITY COUNCIL ACTION FROM PREVIOUS MEETING**

**Scott Hess, Planning Manager** – reported on the Planning Department items heard before the City Council on February 27, 2006

**E2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Scott Hess, Planning Manager** – reported on the Planning Department items scheduled before the City Council on March 6, 2006.

**E3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Scott Hess, Planning Manager** – reported on the items scheduled for review on March 14, 2006.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – None.**

**F-2. PLANNING COMMISSION COMMENTS**

**Commissioner Burnett – None.**

**Commissioner Livengood - Would like information on zoning code requirements regarding home daycare facilities.**

**Vice-Chairperson Scandura – None.**

**Chairperson Dingwall – None.**

**Commissioner Ray – Wished Livengood a good trip to the Middle East and invited the public to visit the Shipley Nature Center on Saturdays from 9:00am-12:00pm for activities.**

**Commissioner Horgan – None.**

**Commissioner Dwyer – Asked if there are no study session items for the next meeting would there be a study session. Staff indicated that there currently are not any items scheduled.**

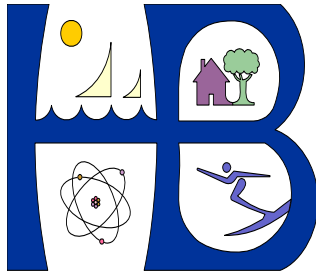
**ADJOURNMENT:**

Adjourned at 10:30 p.m. to the next regularly scheduled meeting of Tuesday, March 14, 2006.

APPROVED BY:

\_\_\_\_\_  
Howard Zelefsky, Secretary

\_\_\_\_\_  
Robert Dingwall, Chair



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 14, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**        *P*        *A*        *P*        *P*        *A*        *P*        *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*  
*Commissioner Ray arrived at 5:22 p.m.*

### AGENDA APPROVAL

A MOTION WAS MADE BY DINGWALL SECONDED BY HORGAN TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 14, 2006, BY THE FOLLOWING VOTE:

AYES:            Burnett, Scandura, Dingwall, Horgan, Dwyer  
NOES:            None  
ABSENT:        Ray, Livengood  
ABSTAIN:        None

### MOTION APPROVED

A.    PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B.    STUDY SESSION ITEMS

B-1.    **PLANNING DEPARTMENT STAFF INTRODUCTIONS – Herb Fauland**

The following Planning Department staff members were introduced to the Commission:

Scott Hess, Planning Manager

Administration

Cathy Salcedo  
Ramona Kohlmann  
Judy Demers  
Kathy Schooley

Code Enforcement

Bill Zylla  
Mike Fuentes  
Al Brady  
Tony Duarte  
Tim Flanagan  
Richard Hedden  
Richard Massi

Advance Planning

Jane James  
Ricky Ramos  
Jason Kelley  
Rosemary Medel  
Chris Davis

Current Planning

Herb Fauland  
Paul DaVeiga  
Ron Santos

The following staff members introduced themselves and the department they represent:

Eric Engberg, Division Chief/Fire Marshall  
Terri Elliott, Civil Engineer Principal, Public Works  
Steve Bogart, Civil Engineer Associate, Public Works  
Paul D'Alessandro, Assistant City Attorney

**B-2. OVERVIEW OF 2005 PLANNING DEPARTMENT ANNUAL REPORT –  
Herb Fauland**

Fauland gave a Powerpoint presentation that explained the role the Department of Planning plays in the city. He reviewed the components of city government that the Planning staff supports and the number of applications reviewed by the various Boards, Committees, and assorted City Departments.

Fauland gave details on the numerous services and permits provided by the Planning Department Public Counter, Advance Planning and Current Planning.

Bill Zylla gave a brief explanation of the code enforcement process followed by the division and it's interaction with the community. Over 2,800 proactive and reactive complaints were handled throughout 2005. He further explained some of the actual complaints and violations.

Fauland went on to review major projects such as the Strand, Pacific City, Bella Terra, Beachmont Plaza and the Brightwater project.

Discussion ensued regarding some of the projects covered in the presentation.

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

**C-1. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE (EAC)  
DETERMINATION TO PROCESS MITIGATED NEGATIVE DECLARATION NO.  
04-10 (HOME DEPOT – 19101 MAGNOLIA STREET) – Ron Santos**

Fauland stated that Chair Dingwall passed out three informational papers regarding Item B-1.

Santos advised one late communication was received from the applicant with regards to some questions from Commissioner Scandura.

Dwyer questioned the outcome of item B-1 if the Planning Commission reached a tied vote. Staff explained that the original EAC determination would stand.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Ray reported on the meetings regarding the Major Projects Review Process Committee and a presentation would be given at the March 28<sup>th</sup> Study Session.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE**

**F. PLANNING COMMISSION COMMENTS - NONE**

**6:20 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Burnett

**ROLL CALL:**        *P            A            P            P            P            P            P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY DINGWALL, SECONDED BY HORGAN, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 14, 2006, BY THE FOLLOWING VOTE:**

**AYES:**            Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**            None  
**ABSENT:**        Livengood  
**ABSTAIN:**        None

**MOTION APPROVED**

**A.    ORAL COMMUNICATIONS**

Steve Stafford, resident, provided comments regarding the on-going problems at Crystal Island.

**B.    PUBLIC HEARING ITEMS**

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1.    APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE DETERMINATION TO PROCESS DRAFT MITIGATED NEGATIVE DECLARATION**

**NO. 04-10 (HOME DEPOT: Appellant:** Commissioner Steve Ray **Applicant:** Scott Mommer Consulting **Request:** Draft Mitigated Negative Declaration No. 04-10, analyzes the potential environmental impacts associated with Conditional Use Permit No. 04-56, a proposal to demolish an existing 125,487 sq. ft. (including an attached 8,500 s.f. garden center) former K-Mart building, and replace it with a new 130,536 sq. ft. (including an attached 25,000 sq. ft. garden center) Home Depot, new parking lot paving, landscaping and other associated site improvements. The Planning Commission will consider the Environmental Assessment Committee's determination to process a Draft Mitigated Negative Declaration (MND) for the proposed Home Depot project and make a determination as to whether the MND is the appropriate level of environmental review for the proposed project. **Location:** 19101 Magnolia St. (southwest of the Magnolia Street/ Garfield Avenue intersection). **Project Planner:** **Ron Santos**

**STAFF RECOMMENDATION:** Motion to: "Continue processing Draft Mitigated Negative Declaration No. 04-10, and commence the 30-day public review and comment period."

Ron Santos gave a Powerpoint presentation explaining the Mitigated Negative Declaration, the Environmental Assessment Committee and the appeal filed by Commissioner Ray. He advised that three meetings were held by the EAC to determine the level of environmental processing for the proposed project. He reviewed the potential environmental impacts such as geological, traffic and noise.

Fauland advised of a late communication received from Scott Mommer of Home Depot which addressed the questions submitted by Commissioner Scandura.

Chair Dingwall passed out three items covering health effects from diesel fumes.

The Commission made the following disclosures:

- Commissioner Dwyer visited the site many times, spoke with neighbors, City Councilmember Bohr, Home Depot representatives and staff.
- Commissioner Scandura visited the subject site several times, met with residents, spoke with Marice White of Home Depot, Councilmember Coerper and staff. He read items in the newspaper, study session items and attended a neighborhood meeting.
- Commissioner Dingwall stated he has visited the site many times over the years and also spoke with residents, Councilmember Bohr, the Director of Planning Howard Zelefsky, Home Depot representatives and staff. He also attended community meetings.
- Commissioner Horgan visited the site many times and spoke with Marice White of Home Depot, neighbors and Commissioner Burnett.
- Chair Ray visited the subject site on many occasions and spoke with Councilmembers Bohr and Coerper, Commissioners Dingwall and Livengood, neighbors and staff.
- Commissioner Burnett visited the site, attended a neighborhood meeting and spoke with Councilmember Bohr, Commissioner Horgan, Home Depot representatives and staff.

Scandura asked about the installation of a traffic signal at Hyde Park and Magnolia.

Public Works staff advised that it would depend on the approved site plan. The current proposed plan would not require a traffic signal, but under another scenario when driveways are combined, the need for a signal may be warranted.

Commissioner Ray reviewed the following areas of concern with regards to his appeal:

- Significant environmental impacts such as utilities, cultural and agricultural resources
- Possible mitigation of transportation and traffic concerns
- CEQA law with regards to land use and air quality, transportation and traffic, noise, soil and public services

Ray referred to attachment 2.5 par. 2 which covered the combining of driveways. Ray stated this was a significant area of impact due to the lack of provisions for bicyclists and the object of the plan is to limit driveways and the current plan is not providing for that.

Ray continued by referring to the traffic and pedestrian studies saying that there is a lack of objective criteria and there have been 36 vehicle accidents along Magnolia near the school. He stated that the pedestrian study was not conducted during appropriate hours of activity and the residents have been conducting their own studies. He also voiced concern regarding day

laborers gathering at the nearby park. Ray further recommended a mitigation of a traffic light at the intersection of the area of concern.

Ray pointed out attachments 2.7 and 2.8, Geology and Soils, as potentially significant impacts unless mitigated. He advised the site is subject to liquefaction and sinking in the case of an earthquake. He stated that the potential removal of two feet of soil and the refilling of said soil at a later date would bring into question a runoff issue during the interim time. Referring to attachment 2.11 regarding air quality and the studies conducted by qualified engineers were determining westerly winds and no diurnal winds. Ray advised that the City of Huntington Beach has diurnal wind patterns and truck exhausts would affect residents.

### **THE PUBLIC HEARING WAS OPENED**

Marice White representing Home Depot, gave a Powerpoint presentation that covered land use, driveways, water and dust control and air quality. She reiterated that all State and Federal standards that apply to the project are strictly followed. She stated that an EIR is not warranted as all issues can be mitigated. She stated that a new traffic signal at Hyde Park is a mitigation supported by Home Depot. She requested that the Planning Commission deny the appeal and continue with the MND.

Ann Johnston, resident, stated that Home Depot is not a Kmart and should not be compared as one. She did not think that another Home Depot is necessary as there is a Lowe's, OSH and Ace Hardware in the local area. She said she is concerned about traffic and the crossing area for children. She stated that specific conditions of approval should address solicitation.

Donna DiBlase, resident, spoke in support of Home Depot and the benefits it will provide to the area.

Jack Lamey, resident, spoke in support of approving the Negative Declaration. He gave some suggestions for mitigations and advised that the Police Department should enforce the Municipal Code.

Eric Brenn, a local business owner, had gathered 100 signatures in favor of Home Depot. He does agree that a new traffic signal and joint driveways should be installed. He stated that currently there are vagrants gathered at the location and vehicle racing at night in the parking lot.

Doug Kochanowski, resident, stated that the Phase I Site Assessment is not in accordance with current standards. He has concerns regarding roof tar, air quality and truck idling. These areas are lacking in the report and asked if tests could be made after construction.

Frigga Brenn, local business owner, spoke in support of the Home Depot construction and also stated that a new traffic signal needs to be installed at the location.

Hans Brenn, local business owner, spoke in favor of the Home Depot construction.

Summer Hickman, resident, advised that her home backs up to the site and is concerned regarding truck exhausts and noise. She asked if the will call area could be placed elsewhere.

Laura Beasley, resident, stated that she wants to see a new EIR conducted due to potential health risks and safety issues.



Bob Henderson, resident, stated that his rear yard backs up to the site and he is concerned regarding the increased noise and emissions from delivery trucks for Home Depot as compared to the prior Kmart.

Lori Johnson, Fountain Valley resident, voiced concerns for the residents in Fountain Valley who are located across the street from the project. She stated that the environmental issues have not been adequately addressed or mitigated and thinks an EIR is in order.

Katie Hendren, resident of Lindsey Lane for over 30 years, stated that the residential area is already a well traveled thoroughfare and fears it becoming worse with a new Home Depot opening.

Ana Baum, resident, spoke against the Home Depot project and voiced concern for children in the nearby park. She also fears excessive traffic and truck emissions.

Britt Klingenberg, resident, stated he is in agreement with Commissioner Ray and would like to see an EIR. He stated that the air quality would be affected and would affect his son's existing asthma condition.

Kathy Klingenberg, resident, advised that the noise from the trucks would be extremely noisy and a health hazard due to the diesel fumes. She also stated that the pedestrian study was inaccurate and should have been conducted when children were leaving school and using the crosswalk. She suggested the loading dock be relocated away from nearby homes. She also addressed the day laborer issue and the impact they would have on the nearby park. She pointed out that the traffic study has several comparisons to Kmart.

Steve Stafford, resident, stated he is in agreement with the appeal by Commissioner Ray.

Mike Joyce, Attorney for Home Depot, stated that a determination for an EIR would be a tremendous delay and advised against it. He said he wanted to have a yes or no vote this evening from the Planning Commission and stated that the Home Depot store may not open if an EIR is determined. He advised that Home Depot may open the existing store as is.

Kiyosui Watanabe, local business owner, stated he has been in business for six years, however, his business has been greatly affected in the past 18 months due to the closing of Kmart. He spoke in favor of opening the new Home Depot store.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Discussion ensued regarding the processing of the Draft Mitigated Negative Declaration. The following issues were discussed:

- Runoff and high wind control during construction
- Wind patterns
- Onsite air quality studies
- Combining of driveways
- Vehicle and pedestrian traffic
- Installation of a traffic signal
- Requirements regarding an EIR

- Upgrading the facility to meet current safety standards
- Sound levels
- Day laborer issue

Scandura opposed the need for an EIR. He advised that the MND information is adequate and can be covered in a 30-day review. Scandura continued by saying that a possible EIR will not address all issues raised tonight-just the environmental impact. Scandura stated that he is prepared to make a motion to continue processing the MND. Dwyer stated he would second the motion.

Ray interjected that his appeal has been judged unfairly as filibustering and that was not his intent. He stated in his appeal that he felt the potential impacts could be mitigated and that better documentation be brought before the Commission.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER TO APPROVE TO CONTINUE PROCESSING DRAFT MITIGATED NEGATIVE DECLARATION NO. 04-10 AND COMMENCE THE 30-DAY PUBLIC REVIEW AND COMMENT PERIOD. ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Burnett, Scandura, Dingwall, Ray, Dwyer</b>
<b>NOES:</b>	<b>Horgan</b>
<b>ABSENT:</b>	<b>Livengood</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION APPROVED**

**C. CONSENT CALENDAR - NONE**

**D. NON-PUBLIC HEARING ITEMS – NONE**

**E. PLANNING ITEMS**

**E.1. CITY COUNCIL ACTION FROM PREVIOUS MEETING**

**Scott Hess, Planning Manager – None.**

**E2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Scott Hess, Planning Manager – None.**

**E3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner – reported on the items scheduled for Study Session only on March 28, 2006.**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Burnett – None.

Commissioner Livengood - Absent.

Vice-Chairperson Scandura – Asked staff to provide an update on the minute action forwarded to the City Council regarding loading docks and if the City Council has taken action. Staff will follow-up and provide information.

Chairperson Dingwall – Wished Commissioner Scandura a happy birthday.

Commissioner Ray – Thanked Ron Santos for all his hard work and commended him on a job well done regarding the Home Depot project.

Commissioner Horgan – Wished Commissioner Scandura a happy birthday.

Commissioner Dwyer – None.

**ADJOURNMENT:**

Adjourned at 12:00 a.m. to the next regularly scheduled meeting of Tuesday, March 28, 2006.

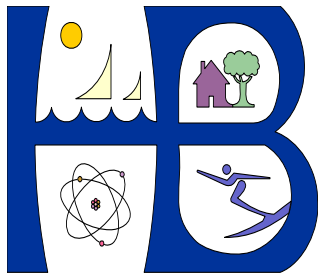
APPROVED BY:

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Howard Zelefsky, Secretary

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Robert Dingwall, Chair



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 28, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**      *P*      *P*      *P*      *P*      *A*      *A*      *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*  
*Commissioner Ray arrived at 5:27 p.m.*

### AGENDA APPROVAL

A MOTION WAS MADE BY DINGWALL, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 28, 2006, AND TO ADDRESS ITEM B-1 LAST, BY THE FOLLOWING VOTE:

AYES:            Burnett, Livengood, Scandura, Dingwall, Dwyer  
NOES:            None  
ABSENT:        Ray, Horgan  
ABSTAIN:        None

### MOTION APPROVED

A.    PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B.    STUDY SESSION ITEMS

**B-1.    PROJECT REVIEW PROCESS – Commissioner Ray**

Commissioner Ray reviewed the current Project Review Process and the following issues were discussed:

- A study session and a public hearing for each item
- Addition and simplification of language
- Legal aspects of language changes
- Possibilities of lengthening the in place process

Discussion ensued regarding the necessity of some language changes and the need for review by the City Attorney's Office.

Commissioner Dwyer recommended not having a study session for all projects.

Ray stated that the intent is to discuss the item in the study session and then act on the item in the public hearing at a future meeting, thereby, shortening the process.

Livengood pointed out some changes in the document that he was not aware of and suggested another committee meeting for review.

**A MOTION WAS MADE BY BURNETT, SECONDED BY SCANDURA TO RETURN ITEM B-1 TO COMMITTEE FOR FURTHER REVIEW BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Livengood, Scandura, Dingwall, Ray, Dwyer  
**NOES:** None  
**ABSENT:** Horgan  
**ABSTAIN:** None

**MOTION APPROVED**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – NONE**

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Scandura reported on the League of California Cities Planners Institute Conference.

Livengood requested that the Planning Commission annual workshop be scheduled as soon as possible or no later than May.

Dingwall reported on the medical condition of former Planning Commissioner Ed Kerins.

Hess reported that the city would not extend the contract of the consultant preparing the Edinger Corridor Specific Plan. Staff will provide an update in June.

Discussion ensued regarding Environmental Impact Report requirements and how often a General Plan is updated.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):**

Ed Bonanni, of Bonanni Development, provided comments regarding the Planning Commission's conditions of approval requiring separate water meters for residential projects and the aesthetic impacts with regards to a future development on Roosevelt.

Discussion ensued regarding the installation of a master water meter versus individual water meters for future residential projects.

**F. PLANNING COMMISSION COMMENTS:**

**Commissioner Burnett** – None.

**Commissioner Livengood** - None.

**Vice-Chairperson Scandura** –Thanked staff (Cathy Salcedo) for all their work in arranging the conference trip to Monterey.

**Chairperson Dingwall** – None.

**Commissioner Ray** – Thanked staff for their work in arranging the conference trip to Monterey.

**Commissioner Horgan** – Absent.

**Commissioner Dwyer** – Reported on a future F item for consideration by the Planning Commission

**7:00 P.M. – COUNCIL CHAMBERS**

## **CANCELLED: NO PUBLIC HEARINGS**

### **ADJOURNMENT:**

**Adjourned at 6:35 p.m. to the next regularly scheduled meeting of Tuesday, April 11, 2006.**

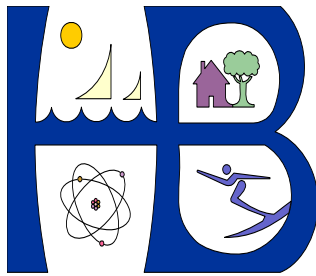
APPROVED BY:

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Howard Zelefsky, Secretary

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Robert Dingwall, Chair



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 11, 2006  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

*P P P P P P P*  
ROLL CALL: *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

### AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 11, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
NOES: None  
ABSENT: None  
ABSTAIN: None

### MOTION APPROVED

#### A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

##### A-1. CONDITIONAL USE PERMIT NO. 05-10 (MAIN STREET LOFTS @ 438 MAIN ST.) - Paul Da Veiga

Paul Da Veiga, Associate Planner, gave an overview of the project that had been continued from the January 24, 2006, Planning Commission meeting due to concerns by the applicant regarding affordable housing requirements.

Discussion ensued regarding conditions of approval, parking spaces, design standards, in-lieu fees, open space and parcel map approval.

##### A-2. CONDITIONAL USE PERMIT NO. 03-35 (SIX-MONTH REVIEW – TARGET DELIVERY AND LOADING OPERATIONS @ 9882 ADAMS AVE.) - Paul Da Veiga

Paul Da Veiga, Associate Planner, gave a report of the project and advised that a total of 13 complaints were received from residents during the six-month review period. Truck idling while delivering goods to the facility was the main item of complaint.

Discussion ensued amongst the Commissioners, staff and Code Enforcement personnel regarding truck idling, sign posting, types of complaints and violations, actual times and dates of complaints received, and options regarding the review.

**A-3. CONDITIONAL USE PERMIT NO. 05-08 (SIX-MONTH REVIEW - LE PETIT PARIS DANCING @ 10142 ADAMS AVE.) - Ron Santos**

Ron Santos, Associate Planner, gave a report of the project and corrected the staff report by advising that one complaint had been received by the Police Department during the six-month review period; and also reviewed the CUP and entertainment permit violations.

Discussion ensued between the Commissioners, staff and the Chief of Police regarding the inspection and requirements of the CUP and entertainment permit.

Dingwall questioned if automatic revocation of the entertainment permit would occur if the CUP were revoked. Mulvihill advised that it would not be automatic and reminded the Commissioners that the CUP was for dancing only.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – NONE**

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Ray advised that the next Project Review Process Committee meeting would be Thursday, April 13, 2006, at 1:45 pm.

Livengood reported that the Design Review Board reviewed the new design for the Pacific City Hotel at a special meeting. He suggested that Planning Commissioners review the new design.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE**

**F. PLANNING COMMISSION COMMENTS:**

**Commissioner Burnett** – Reported on information gathered at the League of California Cities Planners Institute Conference in Monterey and suggested having a future Planning Commission workshop on the topic of “Green Buildings”.

**Commissioner Livengood** - Stated the Shipley Nature Center is having its 1<sup>st</sup> Annual Spring Festival on April 29<sup>th</sup> from 9:00 am to 2:00 pm and asked that everyone come out and enjoy the event.

**Vice-Chairperson Scandura** –Suggested that the Planning Commission consider the recommendation of six-month reviews for future controversial projects. He also warned Planning Commissioners from making comments to the press about future projects.

**Chairperson Dingwall** – Agreed with the suggestion of having a six-month review process for future controversial projects and also clarified a statement he made to the press.

**Commissioner Ray** – Reiterated for everyone to come to the Shipley Nature Center event on April 29<sup>th</sup>. He also advised that the city sponsored 3/1 Committee, which supports a Marine Corps unit stationed at Camp Pendleton, needs sponsors for an upcoming event. There will also be a golf tournament in San Juan Capistrano on May 22<sup>nd</sup> supporting the Marine Corps 3/1 event.



**Commissioner Horgan** – Stated that the conference in Monterey was very informative and enjoyable. She also suggested having a Planning Commission workshop on the topic of energy conservation.

**Commissioner Dwyer** – Reported that next Monday, April 17<sup>th</sup>, he would be running in the Boston Marathon.

**Planning Manager Hess** - Reminded the Commission about a joint study session with the City Council on May 15, 2006. Hess also reported on action taken by the City Council at their last meeting.

**7:00 P.M. – COUNCIL CHAMBERS**

## **CANCELLED: NO PUBLIC HEARINGS**

### **ADJOURNMENT:**

**Adjourned at 7:20 p.m. to the next regularly scheduled meeting of Tuesday, April 25, 2006.**

APPROVED BY:

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Howard Zelefsky, Secretary

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Robert Dingwall, Chair